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# COUNTY ADMINISTRATION

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# COUNTY ADMINISTRATION

## A STUDY BASED UPON A SURVEY OF COUNTY GOVERNMENT IN THE STATE OF DELAWARE

BY

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WITH AN INTRODUCTION BY

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New York

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1919

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Norwood Press
J. S. Cushing Co. — Berwick & Smith Co.
Norwood, Mass., U.S.A.

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# PREFACE

THE author has several debts to acknowledge. Assistance received from Dr. C. E. McCombs and Mr. W. A. Bassett of the staff of the New York Bureau of Municipal Research has been invaluable in the preparation of chapters V and VI. Dr. Charles A. Beard, Director of the Bureau of Municipal Research, has been a most helpful and constructive critic. The acute criticisms of Professor Howard Lee McBain of Columbia University have resulted in alterations which have greatly improved the work. Finally the author wishes to express his appreciation of the uniformly courteous treatment he received at the hands of county officials in Delaware.

C. C. M.

NEW YORK,
June, 1919.

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# INTRODUCTION

When the Bureau of Municipal Research was founded more than a decade ago, the science of government, or to speak more modestly, the body of knowledge on that subject, available in printed form, was confined largely to legalistic works or treatises drawn principally from the reports of public officers. This is especially true if we leave out of account the more or less fugitive literature of exposure, criticism, and reform. The establishment of the Bureau may be said to have marked a new epoch in the study of public administration in the United States, though it may be regarded merely as a manifestation of the new spirit of scientific research which was abroad. If the Bureau did not originate the new methods, it certainly contributed powerfully to their advancement.

It was owing to a number of unique factors that the Bureau was able to do this. Being independent of academic institutions, it escaped the bondage to legalistic traditions which confined the study of government to narrow channels. Established near the city hall, instead of within academic groves, it early acquired an intimate connection with the raw materials of government which gave to its thinking and work a bent comparable to that of the natural scientist who turned from the books of the schoolmen to the laboratory of nature. In short, the Bureau of Municipal Research was the first institution in the United States, and for that matter in the world, to introduce into the study of government (at least on any considerable scale) the methods of natural science, namely, the first-hand observation of the primary materials of government, disregard for traditional habits of inquiry, generalization from original data,

experimentation with actual installations. Moreover, the Bureau first pointed out, in a detailed way, the analogies between private corporate organization and management and public organization and management, bringing to the consideration of the latter the results of tested experience in the former field.

For more than twelve years the Bureau, sometimes with a staff numbering as high as a hundred specialists, has been busy conducting researches in every field of government and in every part of the United States. It has made the most minute studies of finance and budget making, public health, police and fire administration, public works, charities and correction, and civil service and employment administration. It has surveyed the machinery of government and actual practices of more than 100 cities, including New York, Indianapolis, San Francisco, Montreal, Rochester, Columbus, Ohio, Wilmington, Delaware. There is not a nook or cranny of municipal administration which it has not explored, as it were, bringing the data of city government under close scrutiny of direct observation. The Bureau has also extended its researches into the field of state and county government, for example, the surveys of New York State and Delaware and a number of counties. In the files of the Bureau are the records of more than one "Voyage of the Beagle" into the far corners of municipal administration. Preoccupied with its practical observation, analyses, constructive recommendations, and actual installations the Bureau has hitherto given little heed to the importance of systematizing and publishing results.

By resolution of the Board of Trustees adopted on January 2, 1919, it was decided, however, to issue a series of publications making available to public officers, citizens and students, the results of the Bureau's twelve years of research in the field of public administration. The proposed volumes will fall into two classes: (1) general handbooks covering the several

branches of municipal, state, and local administration; (2) special studies in administration.

The general handbooks will be designed as guides for public officers now in charge of technical branches of administration and for students preparing for the public service. It is also proposed that they should serve as the basis for correspondence courses for public officers and candidates for the civil service, to be offered by the Training School for Public Service conducted by the Bureau of Municipal Research. The handbooks will be in the nature of summaries of constructive conclusions as to the best methods of administration — conclusions reached by the Bureau on the basis of its researches, surveys, and experiments in administrative installations. Several of these general handbooks are now in preparation, and it is expected to publish two or more of them before the end of the year 1919.

The studies in administration will be mainly descriptive and designed as contributions to the science of administration, but the consideration of constructive proposals will not be neglected. Although descriptive, the special studies will differ from most works of a similar character in that they will be based not upon laws, charters, and government reports, but upon first-hand observations of institutions at work. The present volume, the first in this group, illustrates the idea. In its preparation, the author, Mr. Maxey, after analyzing the laws and documents, collected all of the data in the field, visiting the county institutions, consulting with county officers, and studying county records on the spot. His information is therefore first-hand. Such studies are, of course, highly specialized, but notwithstanding this fact they constitute invaluable source material for the science of administration that is in process of making. When we have available many such studies giving microscopic pictures of the minute organisms

and detailed procedures of administration the basis will be laid for the larger generalizations necessary to the advancement of the science of administration.

The first of these special studies, now presented to the public, deals with county government. It is not necessary to make any apology for beginning with a subject which many may deem of slight significance. The truth is there are more than three thousand counties in the United States, and they spend approximately four hundred million dollars a year. No improvement in rural government and economy will proceed far without encountering the subject of county organization, finances and administration. Nevertheless it is a fact that the county has not, to any large degree, attracted the attention either of reformers or scientific students of political institutions. Consequently the literature of county government is for the most part fragmentary and uncritical. The standard books on the subject are Professor Fairlie's "Local Government in Counties, Towns and Villages," which is descriptive in character, and Mr. Gilbertson's "The County," which is a summary done with broad strokes and without much attempt at analysis. Aside from these volumes the only sources available to the student of county government are a rather meagre quantity of periodical essays and a few pamphlets. There is, accordingly, room for a number of specific studies dealing comprehensively and analytically with the administrative problems of a county or group of counties which have been subjected to direct observation and investigation.

The present volume, which is based upon a survey of county government in the state of Delaware, is offered as a contribution to the data of county administration. Delaware has some noteworthy advantages for the study of that subject. In the first place, it is such a small state that it was easily possible to observe the conditions and practices in all three of its counties

and to view the county problem of the state in its entirety. In the second place, Delaware offers a considerable variety in county administrative organization and practice. The absence of a constitutional inhibition against special legislation for counties has given the legislature a free hand in modeling county government; and the result is that the three counties of Delaware display an exceptional diversity of structure and administrative method, and typify virtually every stage of progress. In the third place, two of the Delaware counties are distinctly rural in character, while the third is an urban county, thus affording an opportunity to contrast the problems of the rural and the urban type. In the fourth place, the population of Delaware is preponderantly of native American and Anglo-Saxon stock; so that there was opportunity to investigate the operation of American county institutions under the control of the people who are supposed to have the best possible qualifications to manage them with success.

Charles A. Beard,

*Director of the Bureau of Municipal Research and Training School for Public Service.*

New York City,
May 29, 1919.

# GENERAL REFERENCES CONSULTED

## BOOKS

American Academy of Political and Social Science, County Government. (Annals, May, 1913.) Philadelphia. 326 pp.

Fairlie, J. A., Local Government in Towns and Counties. New York, Century Co., rev. ed., 1914. 289 pp.

Gilbertson, H. S., The County. New York, National Short Ballot Organization, 1917. 297 pp.

Howard, G. E., An Introduction to the Local Constitutional History of the United States. Baltimore, Johns Hopkins Studies, 1889. 526 pp.

James, H. G., County Government in Texas. Austin, University of Texas Bulletin, 1917. 118 pp.

## SURVEY REPORTS

Alameda County, Cal., Series of Bulletins issued by the Tax Association of Alameda County.

Allegheny County, Penn., Report to the County Commissioners of Allegheny County by the New York Bureau of Municipal Research. Unpublished. 1914.

Cook County, Ill., Report on the Administration of the Office of the Clerk of the Circuit Court and Clerk of the Superior Court of Cook County by the Chicago Bureau of Public Efficiency. Chicago, 1911. 50 pp.

——, Report on the Administration of the Office of Clerk of the County Court of Cook County by the Chicago Bureau of Public Efficiency. Chicago, 1912.

——, Report on the Administration of the Office of Coroner of Cook County by the Chicago Board of Public Efficiency. Chicago, 1911. 68 pp.

——, Report on the Administration of the Office of Recorder of Cook County by the Chicago Bureau of Public Efficiency. Chicago, 1911. 63 pp.

——, Report on the Administration of the Office of Sheriff of Cook County by the Chicago Bureau of Public Efficiency. Chicago, 1911. 26 pp.

——, The Office of Clerk of the Circuit Court and the Office of Clerk of the Superior Court, A Supplemental Inquiry into Organization and Methods of Administration. Chicago Bureau of Public Efficiency. Chicago, 1912. 27 pp.

——, The Office of Sheriff of Cook County, A Supplemental Inquiry into Organization and Methods of Administration. Chicago Bureau of Public Efficiency. Chicago, 1912. 26 pp.

Denver, Colorado, Report on the City and County of Denver by the New York Bureau of Municipal Research for the Colorado Taxpayers Protective League. Denver, 1914. 583 pp.

Hudson County, N. J., Report by E. W. Crecraft for the Citizens' Federation of Hudson County. Jersey City, 1915.

Illinois, Report of Joint Committee on County and Township Organization. Springfield, Illinois State Journal, 1913. 2 vol.

Los Angeles County, Cal., Report on City and County Consolidation for Los Angeles County by the Taxpayers Association of California.

Marion County, Indiana, Report on City of Indianapolis and Marion County by the New York Bureau of Municipal Research. Indianapolis Chamber of Commerce. Indianapolis, 1917. 568 pp.

Milwaukee County, Wis., Report on the Government of Milwaukee County by the City Club of Milwaukee. Milwaukee, 1915.

Monroe County, New York, Study for the New York Constitutional Convention Commission, 1915.

Nassau County, New York, Report by the Commission on the Government of Nassau County. Mineola, N. Y., 1915.

## MAGAZINE ARTICLES AND SHORT ESSAYS

### *General*

Cartwright, Otho G. Some Needs to be Considered in Reconstructing County Government. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 8–21.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 5–20.)

Cawcroft, Ernest. The Sheriff and a State Constabulary. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 58–64.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 61–68.)

Gilbertson, H. S. The County, the "Dark Continent" of American Politics. New York, The National Short Ballot Organization, 1917. 297 pp.

Gilbertson, H. S. The Discovery of the County Problem. American Review of Reviews, Nov., 1912. v. 46: 604–608.

——. New York County System. American Political Science Review, August, 1914. v. 8: 413–440.

Harley, Herbert. The County Judiciary. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 46–58.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 46–60.)

Lewis, O. F. County Prisons. (In conference for the study and reform of county government. Proceedings, Feb. 20, 1914. New York, 1914. pp. 3–8. Discussion: pp. 8–10.)

Macy, V. Everit. Administration of County Charities. (In conference for better county government. Proceedings, 1914. New York. pp. 22–26.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 20–25.)

Pettigrove, Frederick G. State Supervision of County Jails. (In Connecticut. State conference of charities and correction. Proceedings, 1910. Hartford, 1911. pp. 181–184.)

Sparling, Samuel E. Responsibility in County Government. Political Science Quarterly, Sept., 1901. v. 16: 437–439.

Taylor, George. Challenge to Humanized Politics and Volunteer Coöperation. (In national conference of charities and correction. Proceedings, 1914. pp. 1–14.)

——. Same. Survey, May 30, 1914. v. 32: 240–244.

Updyke, F. A. County Legislation. American Political Science Review, May, 1917. v. 7: 234–237.

(Votaw, Alebt H.) The County Prisons of Pennsylvania. Philadelphia, The Pennsylvania Prison Society. (1914.) 24 pp.

Westchester County Research Bureau, White Plains, N. Y. The Purchase of County Supplies and the Audit of County Claims. Report . . . concerning the wastefulness of the present system. White Plains, N. Y., 1912. 16 pp.

Woods, K. P. The Passing of County Courts. Outlook, Jan. 31, 1903. v. 73: 264–265.

*Accounting*

Bowman, Lewis S. Problems of County Finance. (In Indiana tax conference. 2d, Indianapolis, 1914. Proceedings, 1914. Bloomington, Ind., 1915. pp. 26–36.)
Also published in Indiana University Bulletin, Jan. 15, 1915. v. 12: 26–36.

Buck, George S. The County Auditor. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 38–44.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 37–44.)

Mitchell, W. K. Uniform Accounting System for California Counties. Journal of Accountancy, April, 1916. v. 21: 261–274.

Lill, Thomas R. Uniform System of Accounts for the City and County of Denver. Issue of 1916. Denver, the Smith-Brooks Press (1915). 81 pp.

Rawlings, A. L. County Audits. Journal of Accountancy, Aug., 1916. v. 22: 114–121.

Rockefeller, Lewis K. County Government from the State Comptroller's Standpoint. (In conference for the study and reform of county government. Proceedings. Feb. 20, 1914. New York, 1914. pp. 10–16. Discussion: pp. 16–18.)

Tax Association of Alameda County. (The Investigation of the Method of Accounting in Alameda County.) Oakland, Cal., 1911. 14 pp. (Bulletin, No. 1.)

*Commission Government for Counties*

Cartwright, Otho G. Efficiency in County Government. (Philadelphia,) 1912. pp. 193–203. (Publications, no. 671, American Academy of Political and Social Science.)
"Reprinted from the Annals, May, 1912."

Childs, Richard S. County Manager Plan. American City (Town and County ed.). Dec., 1914. v. 11: 457–461.

——. The County Manager Plan. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 65–73.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 68–71.)

——. A Personal Suggestion for a Model County. Short Ballot Bulletin, Feb., 1912. v. 1. No. 7, pp. 3–4.

——. Present Status of County Reform. (In conference for the study and reform of county government. Proceedings, Dec., 1913. New York, 1913. pp. 3–6.)

——. Ramshackle County Government. Outlook, May 3, 1916. v. 133: 39–45.

——. A Theoretically Perfect County. American Academy of Political and Social Science. Annals, May, 1913. v. 47: 274–278.

County Government. California counties awakening: New York organization begins study. Short Ballot Bulletin, Apr., 1912. v. 1. No. 8: 6.

County Home Rule. National Municipal Review, Jan., 1913. sup. v. 2: 2–7.

The County Jungle. Short ballot and unification needed badly. Short Ballot Bulletin, Feb., 1912. v. 1. No. 7: 1–2.

The First Short Ballot County. (Los Angeles.) Short Ballot Bulletin, Oct., 1912. v. 1. No. 11: 6.

Gilbertson, H. S. Movement for Responsible County Government. American Academy of Political and Social Science. Annals, Mar., 1916. v. 64: 116–121.

——. New York County System. American Political Science Review, Aug., 1914. v. 8: 413–430.

——. A Proposed Bill for Simplified Form of County Government. (In conference for the study and reform of county government. Proceedings, Dec., 1913. New York, 1913. pp. 14–17.) Discussion: pp. 17–19. Text of proposed bill: pp. 20–22.

Home Rule for Counties. Independent, Dec. 26, 1912. v. 73: 1515–1516. (Los Angeles short ballot county charter.) Short Ballot Bulletin. Dec., 1912. v. 1. No. 12: 4.

Miller, E. J. A New Departure in County Government. California's experiment with home rule charter. American Political Science Review, Aug., 1913. v. 7: 411–419.

National Short Ballot Organization, New York. The First Short Ballot County. New York, 1912. 15 pp.
Text of Los Angeles County charter: pp. 5–15.

Paul, Winston. County Management in New Jersey. (In conference for the study and reform of county government. Proceedings, Jan., 1914. New York, 1914, p. 307.) Discussion: pp. 15–16.
"The small board plan": pp. 5–6.

Tax Association of Alameda County. Suggestions for consideration in preparing a charter for Alameda County. Oakland, Cal., 1913. (16 pp.) Bulletin No. 7.

Works, Lewis R. County Home Rule in California. The Los Angeles County Charter. American Academy of Political and Social Science. Annals, May, 1913. v. 47: 229–236.

### *County and City Consolidation*

Binkerd, Robert S. A Plan for City and County Consolidation in Greater New York. (In conference for the study and reform of county government. Proceedings, Dec. 8, 1913. New York, 1913. pp. 12–14.)

Bramhall, F. D. Cook County and Chicago. American Political Science Review, Feb., 1912. suppl. v. 6: 89–97.

Bureau of Municipal Research, New York. City and County of Denver; report on a survey of certain departments . . . prepared for the Colorado taxpayers protective league, by the Bureau of Municipal Research, New York, 1914. (Denver, The Great Western Printing and Publishing Co., 1914?) 583 pp.

Chicago Bureau of Public Efficiency. The nineteen local governments in Chicago, a multiplicity of overlapping taxing bodies with many elective officials; Chicago's greatest needs are the unification of its local governments and a short ballot. 2d ed. (Chicago, 1915.) 32 pp.

Cook County and Chicago: p. 15; the organization of the county government: pp. 19–22.

City and County Consolidation. California Outlook, April 4, 1914. v. 16: 16.

City and County Government Association. Alameda County, Cal. Centralized government for Alameda County and its cities under a system of boroughs. 1916. 10 pp.

Consolidation of City and County Government. Sacramento, Cal. American City, Mar., 1915. v. 12: 243.

Hatmaker, Benedict. Schenectady's City-County Plan. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 73–74.)

——. Same. (In New York [State] constitutional convention commission. County government. Albany, 1915. pp. 77–79.)

Hormell, Orren C. Boston's County Problem. American Academy of Political and Social Science. Annals, May, 1913. v. 47: 134–152.

——. The City and County in Massachusetts. American Political Science Review, Feb., 1912. suppl. v. 6: 61–72.

——. Concurrent County and City Government. (In Cyclopedia of American Government. v. 1. New York, 1914. pp. 488–489.)

Long, P. V. Consolidated City and County Government of San Francisco. American Political Science Review, Feb., 1912. suppl. v. 6: 109–121.

Ludington, A. The Relation of County to City Government in New York. American Political Science Review, Feb., 1912. suppl. v. 6: 73–88.

Oppose Proposal to Drop Counties. But students of government agree present system is unnecessary in this city. (New York.) New York *Times*. Jan. 24, 1915. sec. 3, p. 1, col. 3. p. 4, col. 4–7.

Paul, Winston, and H. S. Gilbertson. Counties of the First-Class in New Jersey. American Political Science Review. Feb., 1914. suppl. v. 8: 292–300.

Requa, M. L. The Government of Alameda County, California. Amer-

ican Academy of Political and Social Science. Annals, May, 1913. v. 47: 237–247.

St. Louis. Charters. The scheme of separation between St. Louis city and county and the charter of the city of St. Louis. St. Louis, Mo., Woodward & Tiernan Print. Co., 1902. 258 pp.

Williams, E. W. Centralized Government for Counties and Cities. American City, Mar., 1917. v. 16: 257–262.

Young, Truman P. The Scheme of Separation of City and County Governments in St. Louis — its History and Purposes. American Political Science Review, Feb., 1912. suppl. v. 6: 97–108.

*Taxation*

Brindley, John E. State Supervision of County Assessment and Taxation. American Academy of Political and Social Science. Annals, May, 1913. v. 47: 213–226.

Cartwright, Otho G. Westchester County, New Special Tax Law. (In state conference on taxation, New York. Addresses and proceedings, 1915. Albany, 1915. pp. 112–127.)

Coker, F. W. Administration of Local Taxation in Ohio. American Academy of Political and Social Science. Annals, May, 1913. v. 47: 182–198.

Cookinham, H. J., Jr. County Simplification. (In state conference on taxation, New York. Addresses and proceedings, 1915. Albany, 1915. pp. 133–147.)

Discussion by Herbert A. Hickman: pp. 148–152.

——. County Simplification. (In state conference of local assessors and sixth state conference on taxation. Addresses and proceedings, 1916. Albany, 1916. pp. 74–87.)

——. Taxation and County Government in New York State. (In conference for better county government. Proceedings, 1914. New York, 1914. pp. 29–38.)

# COUNTY ADMINISTRATION

## CHAPTER I

### PROBLEMS OF STRUCTURE AND ORGANIZATION

County government in Delaware is of the same type as that prevailing in the southern and far western states. In other words, there is no local subdivision of the county which enjoys large powers. It is true, the hundred still remains as a reminiscence of a political subdivision of the county that once had vitality, but to-day it serves no purpose except that of an election district and a convenient geographical unit. That hybrid form of the township and the county government which characterizes many of the northern and middle western states does not exist in Delaware. Therefore it is relatively simple to sketch an outline of county organization as it now stands in Delaware.

As in all states but one, there is a county board, known in Delaware as the levy court. Appointed by the levy court and subject to its control are a number of officials, of whom the most important are the county

road engineer, the road supervisors, the trustees of the poor, the boards of assessment, the tax collectors, the constables, and the jail commissioners. There is in addition to these a group of officials elected by the voters of the county: register in chancery, clerk of the orphans' court, clerk of the peace, sheriff, coroner, recorder of deeds, register of wills, county treasurer, receiver of taxes and treasurer, county comptroller, and district assessors. All except the last mentioned are elected at large. Except for the last three, all of the offices named in this list of independent elective offices are established by the constitution and therefore may not be modified or abolished by statute. Justices of the peace in Delaware, although apportioned among the counties and performing the usual petty judicial functions in the counties, are in fact state officials appointed and commissioned by the governor, the ratification of the state senate being required for the appointment. The same is true of the county superintendent of schools, an official elected by the voters of the county in a majority of the states. Instead of the usual elective county prosecutor or district attorney there is in each county a deputy attorney-general appointed by the attorney-general of the state. Other minor functionaries need not be mentioned in this review.

For a picture of the existing organization, the reader is referred to the chart on the opposite page.

## I. The Levy Court

*Composition, Choice, and Compensation.*

There are three counties in Delaware and the three county boards, or levy courts, are so markedly differentiated that each may be regarded as representative of a type. Sussex County has the simplest form of levy court. It consists of three members elected at large for terms of six years each and the terms are so overlapped that one levy court commissioner is chosen at every regular biennial election. Each member receives a salary of $1,200 a year, but is not expected to give all of his time to the work of the county. In New Castle County the number of levy court commissioners is seven. They are elected by districts and for four year terms, which are so rotated that the levy court is never entirely renewed at one election. It is interesting to note also that the districts are so gerrymandered that the city of Wilmington, which contains more than three-fourths of the population of the county, gets two-sevenths of the membership of the board. Each commissioner receives a salary of $1,200 a year. In Kent County there are ten levy court commissioners, one elected from each representative district. The term of office is four years, and the terms overlap as in New Castle County. The salary of each commissioner is $300 a year.

*The Large vs. the Small Levy Court.*

Controversy is certain to be encountered when one enters upon a consideration of the relative merits of the three levy courts. First of all there is the long-standing and nation-wide issue between the large and the small county board. Undeniably the great majority of candid and unprejudiced persons who have investigated and compared the results of the two favor the small board. The tendency of recent legislation is also in that direction. But the considerations which enforce this conclusion are not wholly applicable to Delaware. Compared to the large county board of from twenty to fifty members, such as may be found in Michigan, Wisconsin, New York, and some other states, all three of the Delaware levy courts are small. Nevertheless the levy court of Kent County, and in some respects that of New Castle County, are organized according to the same fundamental principles as the large county boards of the middle states, and they display many of the same characteristics. Their members are elected by districts, and these districts are in more than a majority of cases coincident with the ancient hundreds, which though obsolete as political entities are more than arbitrary subdivisions of the county. Traditions descended from the time when these moribund townships exercised governmental powers still survive and cast their spell upon the procedure of the levy court. Therefore the con-

trast between them and the Sussex County levy court is essentially the same as between the small boards of the southern and far western states and the large boards of the middle states.

A careful comparison of the three levy courts based upon direct observation of their procedure in public meetings and a study of their business practices has developed conclusions decidedly favorable to the three-member board of Sussex County. This does not imply that the levy court of Sussex County is without fault — far from it — but it does signify that according to the best standards by which the efficiency of such bodies can be appraised the Sussex County board is superior to the other two. To give concreteness to the foregoing assertion a somewhat detailed comparison based upon the observer's notes is introduced at this point.

In the first place, the personnel of the Sussex County levy court is superior in business ability to that found in the other counties. In the former county the levy court consists of a manufacturer, a merchant, and an engineer, all of whom are men of extensive experience in business and affairs. In the latter two counties it was found that most of the levy court men are persons of limited business experience, being principally farmers. What is responsible for the difference? The members of the one are chosen at large and are responsible to the voters of the whole county; the members of the other two are chosen by districts

and each is accountable only to the voters of his small district. This may not be the answer to the question, but undeniably it is a factor in the result. It was observed also that the members of the Sussex County board are open-minded, unfettered by tradition, conscious of their own shortcomings (the starting point of efficiency), and eager to improve their business procedure; in New Castle County a somewhat less progressive attitude was displayed; and in Kent County innovation was regarded with suspicion and hostility. Certainly these facts are not without significance in comparing one type of organization with another.

In the matter of procedure the contrast is even more favorable to Sussex County. The meetings are held in a room so small that an ordinary conversational tone of voice carries to all corners. The members seat themselves about a small table and transact their business informally and directly. There is no formal parliamentary procedure, no effort at speech-making, and no dragging of the business through the intricacies of the committee system. This simplicity enables any citizen who may attend to follow the work of the board. When claims or other documentary matter are before the levy court each item receives the careful scrutiny of every member before being acted upon by the board collectively. In Kent County the levy court is large enough to be obliged to transact its business in a formal way, and the artificial

atmosphere of the debating society prevails. The initiative in most matters is taken by the comptroller or the attorney for the levy court, and each member displayed inattention except when interests of his own district were involved. The committee system is in vogue, and considerably complicates the procedure of the levy court. The New Castle County levy court is smaller than that of Kent County and consequently indulges less in formal debate. Otherwise there was no evidence of distinct superiority. The session was uninstructive and difficult to follow because of the noisy conferences continually taking place between members and between members and citizens who were admitted inside the railing. The great volume of the work is transacted in committees, the public sessions being given over largely to the ratification of committee action and to the approval of a schedule of claims prepared in advance by the comptroller and the clerk of the peace in conference with the president of the levy court.

In business practice the Sussex County levy court was also found to lead. In a later chapter this subject is exhaustively discussed. At this point suffice it to say that the Sussex County levy court has seriously endeavored to install an adequate system of accounting control, to develop a budget system, and to centralize purchasing; that the levy court of New Castle County has also taken some commendable steps of the same kind; and that the levy court of Kent County

has done absolutely nothing in the way of modernizing its business methods.

It is easily possible to exaggerate the importance of structure and organization in judging the excellence of political institutions. But certainly the foregoing contrast of the county boards of the state of Delaware, and particularly the contrast between the boards of Sussex and Kent Counties, which deal with almost identical circumstances and problems, cannot leave any doubt that the small board chosen at large is in the long run the superior instrument of government. Not only does it display more vision and capacity, but it is more directly responsible to the people, and therefore more democratic. The members in Kent and New Castle Counties are responsible to districts only and so are beyond the control of the people of the whole county in whose interest they are called upon to act. This would not be a calamitous defect if a county board were a legislative body dealing chiefly with the formulation of policies; but a county board is essentially an administrative body charged with the execution of policies of general concern, and should therefore be responsible to the entire electorate.

*General Conclusions as to Levy Court.*

By way of recapitulation, it may be stated that the salient weaknesses of the levy court in Delaware are:

1. In two of the counties the levy court is so organ-

ized as to stress the interests of small subdivisions of the county rather than to devote itself to the broad interest of the county as a whole, and the petty patronage available to the levy court commissioner within his district is such as to render him a dispenser of small "jobs" in his own bailiwick rather than the zealous agent of the people of the county.

2. Two of the levy courts are rather too large to facilitate the performance of the duties confided to them and entirely too large for the definite location of responsibility for maladministration.

3. National party politics is often permitted to suspend the sound business judgment of members of the levy courts who unfortunately are elected on regular party ballots as if national issues bore some relation to successful county administration.

4. The levy court must compromise its financial control over the county on account of the weakness of its administrative control.

5. The advantages of modern business methods are not appreciated by most members of the levy courts and if they were, it is doubtful if the levy court is endowed with authority to institute such methods effectively.

## II. Offices Controlled by Levy Court

*The County Road Engineer.*

In all three counties the levy court is authorized to appoint a county road engineer. Under the reorgan-

ization of the levy court of Sussex County, which took effect in January, 1917, the office of county road engineer was abolished and the position was created anew under the title " county engineer." The county engineer is given a tenure of four years, is required to be a graduate of some reputable engineering college, and to have had at least two years' experience in practical road building. The salary is fixed at $1,800 a year. The prescribed qualifications fix a standard of competence far higher than is required in the other counties, and for this are deservedly commendable. The staff of the county engineer embraces an assistant engineer, a chief clerk, and two supervisors from each representative district of the county.

In Kent County the law provides for the appointment of a county road engineer by the levy court annually in April. Qualifications prescribed are very meagre. The salary is $1,500 a year so long as the engineer devotes his whole time to the duties of his office. The county road engineer has no subordinates. At the time of the survey, the office of county road engineer was vacant and highway administration was entirely in the hands of the levy court.

The county road engineer in New Castle County is appointed by the levy court for a term of four years. The law requires that he shall be a competent civil engineer and shall receive a salary of $2,500 a year except when he also occupies the position of New

Castle County state highway commissioner, when the levy court shall pay him but $1,500. He may be removed at any time by the levy court for "incapacity, neglect of his duties, or other suitable cause." The present staff of the New Castle County road engineer embraces an assistant engineer at $1,800 and two clerks at $1,500 and $1,200, respectively. Discussion of the administration of the office of county road engineer in all three counties appears in Chapter VI of this book.

Delaware is fortunate in that the office of county road engineer is an appointive instead of an elective one. It requires no argument to demonstrate that this is one office which should be as far as possible removed from mere political influences. Appointment by the levy court is better than election, and the appointing power should be limited by the prescription of explicit professional and experience qualifications as in Sussex County. The ideal way to fill such a position would be by civil service examinations, but this mode does not appear feasible in Delaware at the present time.

*District Road Supervisors.*

In the reorganization of county government in Sussex County, which occurred in 1917, the district road supervisors were made appointive by and subject to the control of the county engineer, this control being reinforced by power to dismiss a supervisor at any time. The engineer is authorized to appoint not more

than two supervisors for each representative district, who are paid on a per diem basis. The supervisors are the immediate subordinates of the county engineer in all road and bridge work throughout the county.

In Kent County the road supervisors (one for each representative district) are chosen by the levy court in March of each year and are invariably relatives or political friends of the levy court commissioner in whose district they are named. Their compensation is at the rate of 25 cents an hour. Subject nominally to the direction of the county road engineer, the supervisors assume direct charge of road and bridge work in their respective districts, but in reality the engineer has no effective control over them. If they have any responsibility at all it runs to the levy court, but the control exercised by the levy court is very slight.

The road supervisors in New Castle County, as in Kent County, are appointed by the levy court, there being one for each hundred. They are chosen annually in April and receive a per diem wage fixed by the levy court. Theoretically, as in Kent County, the road supervisors are subject to the direction and supervision of the county road engineer, but in practice his control amounts to little.

It is recommended that the office of district road supervisor be abolished. It has been a medium for the injection of politics and graft into highway administration, and is not necessary under a properly

organized highway establishment. This subject is fully discussed in Chapter VI.

*Trustees of the Poor.*

In each county the county poor farm and almshouse, including in New Castle County the county hospital, is managed by a board known as the "trustees of the poor." The appointment in all cases is made by the levy court. The size of the board varies in the three counties, being five in Sussex, ten in Kent, and fourteen in New Castle. The members are compensated on a per diem basis fixed by law and are allowed mileage at the rate of three cents per mile.

The trustees of the poor are constituted a body corporate for the administration of the almshouse and farm. They elect their own officers and possess virtual autonomy in the matters entrusted to them. The trustees of the poor annually certify to the levy court an estimate of the amount necessary to maintain the almshouse over and above the revenue derived therefrom and the levy court is obliged to levy a rate sufficient to raise this sum. This rate is levied and collected together with the other county rates. In Kent County the clear proceeds of this rate are paid directly to the treasurer of the poor, an officer chosen by the trustees of the poor, who by law is entitled to a commission of 2 per cent of the moneys which pass through his hands. In New Castle and Sussex Counties the poor taxes are paid to the county treasurer

who is *ex officio* treasurer of the poor, and then are voted to the trustees of the poor in lump by the levy court. In all counties the poor funds are disbursed upon warrant of the trustees of the poor to their own treasurer (and even in New Castle and Sussex the trustees have a treasurer in addition to the county treasurer *ex officio*). These disbursements are independent of the approval of the levy court, although they must be countersigned by the comptroller.

The trustees of the poor also have authority to select and remove at pleasure the overseer of the almshouse and to fix his compensation. Each member of the board and the members collectively enjoy certain authority over the admission and dismissal of inmates which it is unnecessary to describe at this point.

The system of county poor administration just described is not in accord with the best principles, as the results attained under it convincingly show. It is a mistake to have a board of poor trustees with financial and administrative independence of the levy court. The result is a diffusion of responsibility, a breakdown of control, and a deviousness of procedure which lead to inefficiency and open the way to peculation and graft. The candid admission made by members of the Sussex County levy court that the almshouse is conducted in a manner unsatisfactory to them because they have no effective way to control the board of poor trustees appointed by them, is a

striking instance in point. Their only recourse, it was stated, is to await the expiration of the terms of the present trustees and then to appoint different persons who will likewise become independent as soon as appointed. Another illustration is the political banquets that are regularly given at the almshouse in New Castle County. These and many other conditions are amply described in Chapter V. The boards of poor trustees should be abolished and the administration of the almshouse and county farm should be vested in a superintendent immediately responsible to the levy court, or to the manager, should the manager plan ever be adopted. The almshouse and farm should enjoy no independence in financial matters. If it should be deemed advisable, there might be created a board consisting of representative citizens to inspect, criticize, and make recommendations with respect to the management of the almshouse and the admission of inmates; but such body should have no administrative powers.

*Boards of Assessment.*

Boards of assessment are a very recent innovation in Delaware, the Sussex County board being created in 1915 and the New Castle County board in 1917. The Sussex County board of assessment consists of three members appointed by the levy court for a term of six years each, the terms distributed so as to constitute a continuing body. The members receive

$1,000 for the year in which a general assessment is made and $500 for years in which annual assessments are made. The staff of the board consists of one clerk at $900 a year. The members of the board devote only part of their time to the duties of the board, but the clerk gives full time.

The New Castle County board of assessment is composed of four members chosen by the levy court for terms of four years each, the terms overlapping in such a way as to render the body continuous in character. The salary is $2,500 a year, and the members of the board devote full time to the work of the board. The staff consists of an engineer and draftsman, a field clerk, and three office clerks.

The experiment of assessment boards is too new to warrant final conclusions as to the effectiveness of the organization, except to say that there is abundant evidence of its superiority to the old system. One defect in Sussex County is that the remuneration is too small to enable the member to give full time to the work. The board organization appears to have been adequate in New Castle County.

The work of the boards of assessment and of the elective assessors is discussed in Chapter III.

*Tax Collectors.*

There is no uniform system of tax collection throughout the three counties of Delaware. In Sussex, in respect to county taxes, this function

is completely centralized in the county treasurer, who is given the additional title of " receiver of taxes." In Kent County the levy court appoints a tax collector for each representative district and compensates him on a commission basis. In New Castle County all county taxes within the city of Wilmington are collected by the receiver of taxes and county treasurer, as in Sussex, but outside the city of Wilmington there are district collectors as in Kent County.

No argument should be necessary to show the superiority of the Sussex County method. Economy, if there is no better motive, should dictate greater centralization of tax collection than even Sussex County has achieved; but such centralization is absolutely indispensable for control of the function of tax collection. It may be interesting to note that in many if not a majority of the states there is entire centralization of tax collection, one officer being charged with the collection within the county of all state, county, municipal, school, poor, and other taxes.

A thorough treatment of the problem of assessment and collection of taxes in Delaware appears in Chapter III.

*Constables.*

The levy court in each county appoints annually a number of constables, whose distribution throughout the county is determined by statute. The governor also has power to appoint certain special constables at

various points throughout the state. The functions of these constables are the usual ones of petty police officers in rural districts. They are remunerated by fees.

Complaint was made to investigators that the compensation is so small and the position is such a petty one that capable and efficient incumbents are difficult to procure. The ridicule that is heaped upon the constable in other states where the office exists is deserved in Delaware also. In the age of the telephone and automobile the office is an anachronism, an historical relic, and ought to be abolished. A score of constables will not do as much effective policing as three or four vigorous and trained deputy sheriffs. In some of the western states there are counties as large as the entire state of Delaware, which are policed by a sheriff and three deputies. Crime conditions in rural Delaware do not require an elaborate police force. A few officers who are intelligent, alert, mobile, and properly trained could render more effectual service than the present superabundance of stationary incompetents.

*Jail Commissioners.*

The provisions of the Revised Code, chapter 43, section 62, and chapter 101, section 8, now apply to Kent County only. These provisions require the appointment annually by the levy court of three persons to act as a board of jail commissioners. Since, how-

ever, Kent County maintains no workhouse, their duties are very limited. To have such a board standing between the levy court and the sheriff, who is by law the keeper of the jail, is not in accord with good administrative practice. If a check on the sheriff is necessary, the levy court should shoulder the responsibility. In this particular Sussex County has made distinct progress.

In New Castle County the control of the workhouse has been taken away from the levy court and confided to a board of trustees appointed by the judges of the superior court and the court of general sessions residing in New Castle County. The occasion for this must be political rather than administrative. The New Castle County Workhouse is a county institution which performs services for the state (nominally for the other two counties). Elsewhere in this report it has been recommended that the New Castle County Workhouse be made a state institution, thus integrating financial and administrative responsibility for it.

## III. Elective County Officers

In the early history of Delaware county government was very simple in its organization. It consisted of the magistrates, who in addition to their judicial duties served as members of the levy court; the assessors, who together with the magistrates made up the levy court; the high sheriff, the coroner, and the prothonotary, who also in person or by deputies

discharged the functions of recorder of deeds, register of wills, register in chancery, clerk of the orphans' court, and clerk of the peace. All of these officials were appointed by the governor. This extreme of simplicity and centralization has been completely forsaken for the opposite extreme of complexity and decentralization. To-day, instead of an *ex officio* levy court and three principal administrative officials, we have the elective levy court discussed above and nine or more elected administrative officials, whose status and functions it is now proposed to treat.

*Prothonotary.*

This officer is elected for a term of four years by the qualified voters of the county. He is removable only by the constitutional modes prescribed for the removal of all public officers. The salary is fixed by statute, being $3,600 in New Castle, $1,500 in Kent, and in Sussex $1,500. The office of prothonotary is not heavily manned. There is a deputy in Sussex County, a deputy and one clerk in New Castle County, while in Kent County there is now no subordinate. Prior to the enactment of Chapter 88 of the laws of 1917, the prothonotary received a commission on all fees collected by him, but that act eliminates the fee commissions, becoming effective upon the expiration of the terms of incumbents at the time of the passage of the act.

The most important function of the prothonotary

is to act as clerk of the superior court. In addition he has a few purely mimisterial duties respecting elections, the sale of codes and laws, the distribution of legislative journals, and other less important matters.

The superior court in Delaware is a civil court of first instance and general jurisdiction, ranking next above the court of the justice of peace. It is held in each county by a state judge who is appointed by the governor and has capacity to sit on the orphans' court, the court of general sessions, the court of oyer and terminer, the superior court, and the supreme court. In addition to the chief justice there are four of these state judges.

Financial and business administration of the office of prothonotary and all other county offices is discussed in subsequent chapters. From the standpoint of organization the main objection to the present office of prothonotary is that it is simply part of what ought to be and formerly was a single office. The centralization of all county court work has been successfully accomplished in many states, and there is no reason why this condition cannot be restored in Delaware. Aside from the convenience that would result from embracing in one office the court work now distributed among the prothonotary, the clerk of the peace, the clerk of the orphans' court, and the register in chancery, there would result a considerable reduction in overhead expense.

*Register in Chancery.*

This officer is clerk of the court of chancery, which is held in each county by the chancellor of the state. The court of chancery, as the name implies, is the court of equity. The register in chancery is elected by the voters of the county for a four-year term. He receives a salary of $1,500 in New Castle, $750 in Kent, and $750 in Sussex. The act of April 18, 1917, relating to commissions on fees, which was mentioned in connection with the office of prothonotary, also applies to this office. The work of the office is not such as to call for a large staff. In Sussex County the work is done by the register alone, in Kent County there is a clerk, and in New Castle County there are a deputy and one clerk.

Although by law the two positions are distinct and independent, there is a firmly established custom that the offices of register in chancery and clerk of the orphans' court shall be held by one person, who is nominated and elected to both positions, and the result has been a consolidation of the work of the two offices and a very desirable economy. This is in line with the recommendation made above in connection with the office of prothonotary.

*Clerk of the Orphans' Court.*

What has been said of the office of register in chancery applies with equal truth to this office. The orphans' court is a tribunal having jurisdiction over the

administration of the estates of orphans and wards, over appeals from the register of wills, and over certain other special classes of cases. It is presided over by the chancellor or an associate judge. The salaries paid in the respective counties are the same as in the case of register in chancery, so that the total remuneration of the person occupying both positions is in New Castle $3,000, in Kent $1,500, and in Sussex $1,500.

*Clerk of the Peace.*

This official is general factotum of the county. He is clerk of the court of general sessions and of the court of oyer and terminer, clerk of the levy court, performs numerous duties with reference to elections, dispenses all licenses and acts as collector of state revenue, is custodian of many official documents and records, and performs many other duties of miscellaneous character.

The clerk of the peace is elected for a term of four years. The salary prescribed by statute is $4,000 in New Castle, $1,800 in Kent, and $1,800 in Sussex. The act of April 18, 1917, relative to commissions on fees applies to this office also. The staff of the office includes two deputies and three clerks in New Castle, one deputy in Kent, and none besides the clerk of the peace in Sussex.

The grouping of apparently incongruous functions under a single administrative chief is not neces-

sarily fatal to efficiency. There must usually be some office or department which serves this purpose. Nevertheless, a thorough reorganization of county government in Delaware will necessitate the transfer of some of the functions of the clerk of the peace to other offices. The court duties, for instance, should be consolidated with those of the prothonotary, register in chancery, and clerk of the orphans' court as recommended above.

The duties in regard to the dispensing of state revenue licenses constitute a burden which the state has shifted to the counties. To escape the creation of special machinery for the collection of its own revenues the state has imposed this duty upon the clerk of the peace. In Kent and Sussex Counties the work demanded in the discharge of this duty is not so great as to constitute a serious burden upon the county, but in New Castle it is different. The magnitude of the license work in the latter county is such that according to the clerk of the peace of that county the allowance of fifty cents on each license, which the state grants to the county, does not cover the actual cost of the work, although it should be added that the manner in which accounts are kept prevents determination of the real cost of doing this work for the state. It is asserted, moreover, that the staff of the clerk of the peace is not adequate for the proper performance of these duties, so that the administration of state revenue law in this county is very lax. It is

doubtful, indeed, whether state revenue law is rigidly enforced in the other counties either.

In view of these conditions it would seem wise for the state to provide special machinery for the administration of its own revenue laws. It is believed that the increased revenue would more than defray the cost of such a step.

*Sheriff.*

This time-honored office requires very little space in this report. In each county the sheriff is elected for a term of two years, and by constitutional inhibition may not succeed himself. The salary is $4,000 in New Castle, $2,000 in Kent, and $2,000 in Sussex. The act referred to above which abolishes the fee system covers this office. In addition to his salary the sheriff is allowed mileage. As keeper of the jail in Kent and Sussex Counties he receives an allowance from the levy court for the board of prisoners. There are four deputies in New Castle, one in Kent, and one in Sussex.

The office of sheriff in Delaware is a position of less dignity, power, and responsibility than in many other states. This is due to the fact that in Delaware the policing of the county is shared with the local constables, who are independent of the sheriff's control and jurisdiction. The heaviest work of the sheriff is process serving and administration of election laws. In New Castle County his functions as

conservator of the peace are very much curtailed by reason of the urban character of his bailiwick, police work being assumed by the forces maintained in the incorporated towns. He has also been deprived of his former function of keeper of the jail, this being now vested in the board of trustees of the New Castle County Workhouse. In the other two counties the sheriff remains keeper of the jail, but at the time of our investigation this was relatively a small task because of the few prisoners in the jails. Only one arrest made by the sheriff came to the attention of the investigators during their stay in Delaware. The suggestions for county reorganization which are made in a subsequent chapter propose that the office of sheriff be supplanted by a department of public safety and welfare in which would be vested all of the police and ministerial functions now discharged by the sheriff and constables. It is believed that such a department, if constituted as recommended, would develop rural policing to a point of efficiency seldom attained in this country.

*Coroner.*

"The coroner as a judicial officer is a joke; as a criminal investigator he is only less a joke." So spoke the New York *Tribune* editorially on February 25, 1914, concerning a proposition to get rid of the office of coroner in New York State, and it merely echoed an opinion which is prevalent in every state of the Union.

The coroner in Delaware is quite as much a joke as in other states, and when results are considered it must be confessed that the joke is rather a grim one. We were able to study the work of the coroner in New Castle and Kent Counties and according to credible report the office cannot be better administered in Sussex County than in the other counties.

In New Castle County the coroner is elected for two years, receives a salary of $1,500 a year, employs a deputy at $500 a year, and a temporary clerk at $20 a week. The office no longer receives commissions on fees. There are also two coroner's physicians at $50 a month each, who are appointed and paid by the trustees of the poor.

The records of the coroner's office were found to be in decidedly bad condition. The records for 1918 were not at the office at all, but were said to be at the home of the temporary clerk who was writing them up. The records for 1917 were so incomplete and fragmentary as to be of slight value. Complete testimony of witnesses is not included in the record of the case unless the coroner decides that it is an important one. Then the regular court stenographer is called in to make a verbatim record of testimony, which, however, is retained by the court stenographer instead of being filed in the coroner's office. There is no record of autopsies performed, but simply the coroner's physician's statement of the cause of death.

The coroner's inquest is a questionable proceeding.

The coroner determines when an inquest is to be held, and it is interesting to know that in 1917, out of 452 coroner's cases, 282 inquests were held, although as a matter of fact the cause of death in many instances was not such as to justify the holding of an inquest. The coroner selects his own jurors, who receive a fee of one dollar plus mileage at the rate of three cents a mile. The fee for witnesses is fifty cents plus mileage. In the naming of jurors the coroner has confined himself almost wholly to a group of about ten men. In examining a large number of cases seven names were found which almost invariably appear as coroner's jurors.

The competency of the coroner's administration is open to very grave doubt. No statistics of the causes of death are compiled by the coroner, although he makes an annual report to the levy court. There is no systematic accounting for the disposition of property found on dead bodies.

In Kent County the coroner resides about twenty-five miles from the county seat and keeps all of his official records at his home. He maintains no office at the county seat and no one at the county seat seems to be advised as to the nature and extent of his official records. Examination of the records of the coroner disclosed that they are kept upon forms which bring out much more information than the unsystematic records of the coroner in New Castle County.

There is no official coroner's physician, and autop-

sies are rarely held. When a physician is needed the services of a local physician are secured, if possible. For such services the local physician is allowed a fee of $2.50. Since January 1, 1917, there have been 72 coroner's cases of which 38 were inquests. It is very difficult to obtain jurors and witnesses, since the fee is only 33 cents.

The coroner is elected for two years, receives $1,000 and pays all of his own expenses. The office therefore is not a lucrative one.

Students of government are almost unanimous in the opinion that the office of coroner ought to be abolished everywhere. It is an office that has far outlived its practical usefulness. All of the duties now bestowed upon the coroner could be transferred to local magistrates, to other county officers, or, still better, to regular medical examiners at a considerable saving of money and an increase of efficiency. A few states, Massachusetts being the first, have rid themselves of this ancient object of derision. Michigan, Connecticut, and Rhode Island have adopted the Massachusetts system. Instead of the coroner, licensed physicians are appointed as medical examiners and when their reports indicate that death results from crime, action is taken by regular prosecuting officers. In New Mexico the local magistrates perform the functions of coroner. Likewise in New Hampshire and Nevada the functions of the coroner have been transferred to other officers.

*Recorder of Deeds.*

This officer is elected in all three counties for a term of four years. The salary is $3,600 in New Castle, and $1,500 in both Kent and Sussex. The act abolishing the fee system eliminates the very lucrative feature of this office. The staff consists of one deputy and twenty clerks in New Castle, one deputy and one clerk in Kent, and one deputy and one clerk in Sussex.

The functions of the office comprise the recording and indexing of deeds, mortgages, assignments, and other public documents. Certain other duties are prescribed by statute, but the most important are those mentioned.

Practice in the administration of the recorder's office is uniform throughout the state. Almost identical methods of recording and indexing prevail in the three counties and these are the laborious methods of the past. The belief that an instrument cannot be legally recorded unless it is copied in longhand with pen and ink, and that these records cannot be indexed by a card filing system, renders the work of the recorder's office extraordinarily tedious and enormously expensive. The fact that the fees of this office always cover the cost of maintaining it induces citizens to ignore the extravagance of archaic methods of work. With improved methods of recording, filing and indexing the office could be made a greater producer of net revenue or the fees could be reduced.

*Register of Wills.*

This officer is elected in each county for a term of four years. The salary is $3,600 in New Castle and $1,500 in both Kent and Sussex. The law abolishing commissions on fees applies to this office. The staff consists of a deputy and two clerks in New Castle, one clerk in Kent, and a deputy in Sussex.

The register of wills is the probate judge of the county and is at the same time charged with clerical and ministerial duties which arise in connection with the work of a probate judge. It is as though he were at once the judge and the clerk of the court. The incumbent need not be, and usually is not, an attorney. There may be reasons for preferring the functions of probate judge to be performed by a good business man who is not a lawyer, but the requirement of popular election for a fixed term throws the office into politics. The position is one requiring a high order of intelligence, good business training, and a working knowledge of the law pertaining to the administration of estates. Unfortunately, popular election does not assure these qualities. Furthermore, just when an incumbent has become qualified by experience to do this work well he is confronted by the hazard of popular disfavor at the polls for partisan reasons. It would be much better to provide for the incumbent of this office a tenure similar to that of the judges of the state courts, which practically is during good behavior, and possibly to relieve him of the routine

clerical work which now attaches to the position. It would not be difficult to combine this work with other clerical work of analogous character.

The administration of the office of register of wills is subject to much the same disapprobation as the recorder of deeds. With a few exceptions, modern devices for saving time and labor and improving the quality of the work done are unknown in this office. The routine of the office could be considerably abbreviated by standardization of forms and proper use of typewriting machines.

*The County Treasurer and Receiver of Taxes.*

This office seems to be in process of evolution in Delaware. It is a statutory office and therefore is subject to legislative surgery. The county treasurer is elective in all three counties and is chosen for a term of four years. The salary is $4,000 in New Castle, $800 in Kent, and $1,800 in Sussex, in lieu of all other forms of compensation under the act of April 18, 1917. The staff includes two deputies and two clerks in New Castle, a deputy and a clerk in Sussex, and the treasurer only in Kent.

In Sussex and New Castle Counties the county treasurer has by recent statutes been made receiver of taxes, but in New Castle County his duties as such receiver extend only to county taxes, collected within the city of Wilmington. In Sussex he collects all county taxes. The expediency of this reform can-

not for a moment be disputed. It will not be long before New Castle County will insist on going the whole distance and centralizing the collection of all taxes in this office.

*County Comptroller.*

This is the newest and everywhere one of the most effective and respected county offices. The comptroller is elected for a term of four years. The salary is $3,000 in New Castle, $1,500 in Kent, and $1,000 in Sussex. The staff is uniformly small, a deputy in New Castle, a clerk in Sussex, and no regular subordinate in Kent.

The duties of the comptroller are to countersign all warrants for the payment of money drawn by the levy court commissioners, the trustees of the poor, and the clerk of the peace; to inspect and audit the accounts of the levy court commissioners and other county officials, to keep accounts of all items of expenditure, warrants drawn, contracts made. The manner in which he is to perform these and other duties is prescribed by statute.

From the standpoint of control the present office of comptroller is functioning admirably. The care and sound judgment used by the incumbents of this office in exercising the power of countersignature is undoubtedly saving the counties much money.

On the side of auditing and accounting the office is not so satisfactory. Not only is there no uniform

system of accounts, but control accounts either do not exist at all or are in a very rudimentary state. Doubtless it is true that the meagre salary inducements and the hazard of popular election make it difficult to obtain comptrollers of adequate experience in accounting to institute and operate accounts of the kind mentioned. Nevertheless, a change in the method of choosing the county comptroller is not recommended. The people of Delaware are conscious of the value of this officer as a watch dog of the treasury and would hesitate to trust an appointed official to perform this function. The most practical suggestion would seem to be to set up technical and experience qualifications that exclude the conspicuously unfit and then to lengthen the term, increase the salary, and add to the present powers more comprehensive powers of audit and accounting standardization.

*District Assessors.*

District assessors are elected in Kent and New Castle Counties, one in each representative district in Kent County, and one in each hundred outside of Wilmington in New Castle. In Wilmington each representative district elects an assessor. In Kent County the district assessors are the sole assessing authority, but in New Castle County, under the new system, their functions are assumed by the board of assessment. Nevertheless, the law creating the board

of assessment requires that the district assessors be elected as before, but that they shall perform such duties as may be required of them by the board of assessment. This possibly originated as a concession to placeholders, but it is certainly utterly indefensible. The district assessors are supernumeraries now. The board of assessment is competent to assess the entire county without their assistance and to do the work better than it has ever been done before.

The faults of the old system of assessment by popularly chosen district assessors have been so conclusively demonstrated in Delaware that extensive comment here would be superfluous. The only defense of the decentralized assessment system of Kent County which was offered to the investigators was the assertion that a person resident in a locality would be better qualified to discover and value all of the real estate in the district of which he was resident than would an outsider. Precisely the contrary was found to be true in New Castle and Sussex Counties. The central assessing boards of those counties discovered many parcels of property which the district assessors, probably for political reasons, had never placed on the rolls; and they also found discrepancies and inequities of valuation within many of the assessment districts, which also may have originated in the political exigencies of the elected assessors. It can only be a question of time until Kent County, which lags in so many things, will join New Castle and Sus-

sex in their progress toward unified central assessment.

*State Appointed County Officials.*

As mentioned above, there are in Delaware a number of officials appointed through the agency of the state government, who perform functions that are limited to counties and who, in most states, are elective county officials. It is not our purpose here to discuss these positions at great length, because they deal with activities which are not embraced within the scope of this inquiry.

There should be mentioned first the county school officials, consisting of a county school commission of three members and a county superintendent of schools, both selected by the governor with the confirmation of the senate. Unfortunately, the coördination of these two authorities results in conflicts of jurisdiction which vitiate effective administration. Educational reorganization is not within the scope of this report, but has been adequately treated in a separate report prepared by the General Education Board of New York City.

The deputy attorney-general in Delaware performs the duties elsewhere assigned to the county prosecuting attorney or state's attorney, as he is sometimes called. This officer is a state officer and is undoubtedly a more effective instrument of law enforcement than if he were locally chosen. One of the conspic-

uous shortcomings of the plan of permitting each locality to select its own prosecutor is that uniform enforcement of state law becomes impossible. Localities defy the general will of the state and there is no remedy. It may be noted in this connection that the suggested plan for the reorganization of state government in Delaware calls for an attorney-general chosen by the governor. This would result in giving the governor more immediate authority over the deputies of the attorney-general than he now has.

Justices of the peace are appointed by the governor and senate in Delaware. A different method of choice is not advised. The office of justice of the peace has already suffered a severe decline in popular esteem in Delaware, but experience in other states does not warrant a change to popular election. This report is not intended to include the courts, but it will not be out of place to remark that the duties now assigned to the justices of the peace could be far more effectively and satisfactorily performed by petty courts with salaried judges giving their whole time to the work. Our inquiries indicated that the fees now collected by the justices of the peace would virtually defray the cost of one such court in each county, consisting of about three judges continuously holding court in all parts of the county. Proposals in close analogy to this have the approval of the leading authorities on judicial organization.

The office of escheator still exists in law, but not

in fact; for the position is no longer filled. The regulator of weights and measures is named by the governor and paid by the county. The office should be abolished and its functions transferred to one of the departments of the state government.

## IV. Inherent Weaknesses of the Present County Organization

The people of Delaware will be very reluctantly persuaded that the principal source of weakness in their county government is the ramshackle organization that has just been described. In the main, Delawareans seem to approve this organization, although many would welcome minor reforms like those which have already taken place in Sussex County. A little surgery combined with a few doses of scientific management is perhaps the present Delaware conception of reform in county government. To the disinterested observer, however, it is manifest that this is not a sufficiently drastic program. The fault in the Delaware scheme of organization is in the foundation; the imperfections of the superstructure are superficial and will readily yield to treatment once the foundation is established upon scientific principles. In this report, therefore, the main emphasis is placed upon the weaknesses of basic administrative organization and other shortcomings are dealt with in their proper relation as complications resulting from the principal malady.

A brief reference to fundamental principles will perhaps facilitate a comprehension of the fatal defect in the existing system of county government in Delaware.

The guiding principles of democratic organization are so simple that they may be stated in a sentence. The organization, whether its purpose be political, religious, social, educational, or commercial, must be geared and coördinated so as to perform most efficiently the tasks set for it, and at the same time must remain sensitive to the control of its membership. The application of these principles is a cause of perpetual perplexity.

Abundant experience has demonstrated that efficiency in human organization can be attained only by complete and systematic subordination of all branches, divisions, and parts to a central planning, directing, and responsible head. The history of the allied armies prior to the unification of command is a forceful example in point. Every scheme which partitions and divides this central thinking and controlling function is fatal to efficiency. It is like cleaving one's mental powers into parts and assigning the different faculties to the different members of the body. Likewise, experience has taught that an organization with such great powers concentrated in a single head will become arbitrary, self-centered, and inimical to the interests of those whom it serves unless it can be made continuously subject to their control. The only rad-

ical difference in principle between the organization headed by Marshal Foch and that formerly headed by the Kaiser is that at a word from the representatives of the French people Foch will relinquish control, while the German people had to rebel to unseat the Kaiser. We marvel at the one and loathe the other. The ideal organization, then, should have two foundation stones, namely, thorough centralization of executive agencies coupled with effective popular control.

Let us see whether county government in Delaware is established upon these two foundations.

*Decentralized Administration.*

The above description of county administration in Delaware leaves no doubt that it is founded upon a principle which is the very antithesis of concentration of executive authority. It may or may not be responsive to popular control (that question is reserved for the present), but not even its most ardent champions will pretend that it is founded upon principles most conducive to efficiency. Frankly, county government in Delaware was never intended to be efficient. It is the creature of an age which believed that government, in order to be safe, had to be broken into many parts and distributed among many officers. The only efficient government that age had ever known was also tyrannical and, thinking to escape tyranny, the people took refuge in a type of govern-

ment which from its very nature must be inefficient. Centralization was struck away and extreme decentralization established in its stead.

The practical results in Delaware county administration of this early American revulsion from strong and capable government may be summarized as an extreme decentralization of executive agencies (which is obvious from a glance at the chart on page 2) resulting in —

1. Ten or more governments instead of one. Each officer or board chosen directly by the people forthwith becomes a small sovereign in a small sphere. Coöperation for efficiency can only be achieved through statutes which can be made effective only by the uncertain and awkward process of invoking the assistance of the courts. Therefore there are in each Delaware county ten or more varying degrees of efficiency, a fact which explains the amusing contrasts that are encountered. It is always possible in Delaware to step from an office which bears the impress of modernity across the hall to one which has learned nothing since the days of the American Revolution.

2. A representative body without power to give effect to the will it represents. The levy court in Delaware has been almost completely hamstrung. Not only is it denied the authority which logically belongs to a representative body to control and coördinate the entire administration, but it is even shorn of power to carry out effectively those duties which

are intrusted to it, by being obliged to act through semi-independent functionaries like the trustees of the poor. Consequently, instead of being *the* representative body, chosen by the people, to supervise and control the administration, it takes rank as *one* of *ten* or more representative agencies which are very often at cross purposes.

3. Duplication of administrative agencies and superfluence of employees. While there is not work enough to necessitate such a plethora of agencies and employees, they resist consolidation and subordination because of their independent status. So there are ten county offices, each with a full complement of employees, where perhaps four or five could do the work.

*The Breakdown of Popular Control.*

It may seem paradoxical to intimate that popular control of county government has broken down when quadrennially and biennially Delawareans solemnly choose scores of county officials. But the truth must be faced. The common sense of the short ballot is just beginning to penetrate the American mind, and we are in the dawn of the discovery that multiple ballot marking does not produce an officialdom responsive to popular control. The short ballot argument will not be stated at length here. Briefly, it may be said to be bottomed upon the demonstrated fact that intelligence in voting decreases as the number of persons to be voted for increases, and that as a conse-

quence many persons slip into public office without their qualifications and ability being known by the voters. To this may be added the fact that the duties of many pubilc offices are of such routine and obscure character that the voters can know little about the activities of a man in office unless some scandal arises in connection with the administration of his office. After this the voters can refuse to reëlect him, or in some states can recall him, but not until after the damage has been done. So that while the voters give and the voters take away, they do not control because they seldom know to whom to give and from whom to take away.

There is ample material for the reinforcement of the short ballot argument in considering Delaware county government. Effective popular control has broken down because of the plethora of independent elective offices. County officials, of course, cannot see this. But they can hardly be deemed unprejudiced witnesses. The independence which they enjoy under the present system and knowledge that under a centrally controlled system their duties would become very much more arduous move them to a defense of the present system. But no one can assert that if the voters were actually able to control county administration, they would tolerate the conditions which now exist. Self-interest, if no higher motive, would cause them to demand a change.

*Summary.*

In recapitulation it may be said that county administration in Delaware is disintegrated, indirect, overelaborate, unduly expensive, and largely removed from popular scrutiny and control. Nothing short of drastic reorganization can cure these defects.

## CHAPTER II

### SUGGESTIONS FOR REORGANIZATION

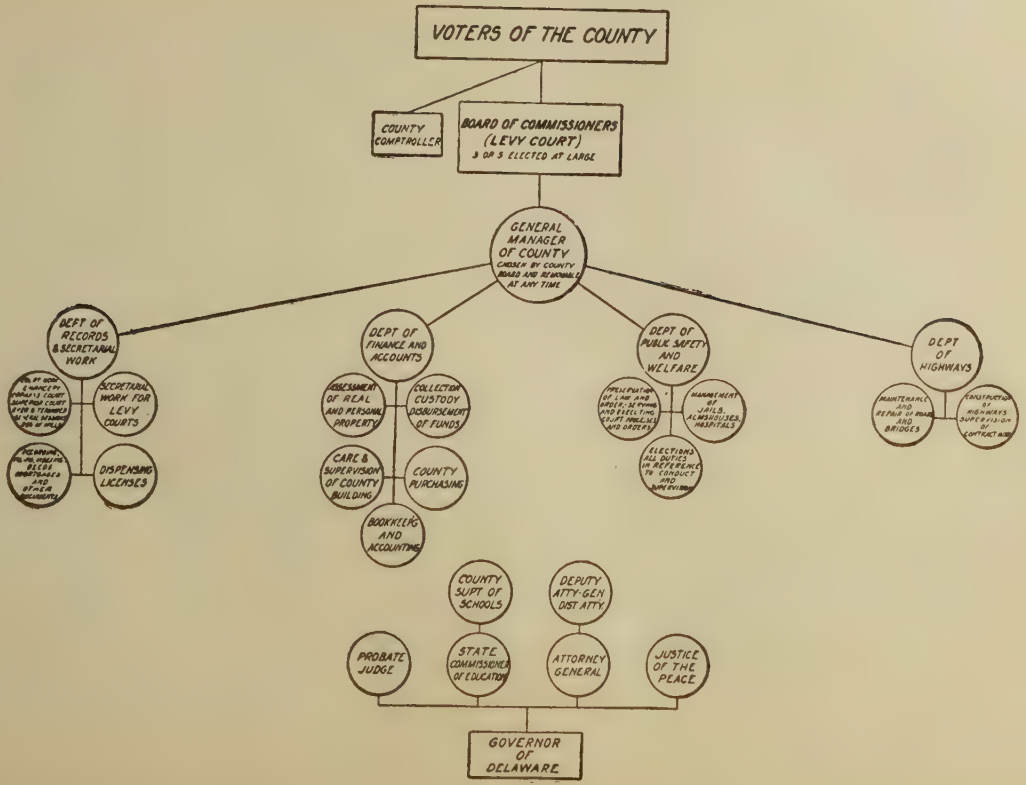
To reconstruct county organization in Delaware according to any plan embodying fundamentally sound principles would require constitutional changes and could not be accomplished in less than two years at the least. Nevertheless, it is important that such plans be placed before the people. Even if the goal is not attainable at once, it should be held up as the ultimate ideal and should never be lost to sight because temporary palliatives are more quickly and easily applied. On the other hand, the necessity of a program which can be put into effect at once is clear. Therefore, two classes of recommendations are presented, the one requiring fundamental constitutional changes, and the other only statutory modifications of the present system. The manager plan and the commission plan comprise the first class, and the statutory reorganization plan the second.

*The Manager Plan.*

For a graphic delineation of what is proposed in the manager plan the reader is referred to the chart on the next page.

Although the manager plan has never had a trial

## SUGGESTED PLAN FOR COUNTY GOVERNMENT IN DELAWARE — THE MANAGER PLAN.


VOTERS OF THE COUNTY
COUNTY COMPTROLLER
BOARD OF COMMISSIONERS (LEVY COURT)
3 OR 5 ELECTED AT LARGE
GENERAL MANAGER OF COUNTY
DEPT OF RECORDS & SECRETARIAL WORK
SECRETARIAL WORK FOR LEVY COURTS
DISPENSING LICENSES
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ASSESSMENT OF REAL AND PERSONAL PROPERTY
COLLECTION CUSTODY DISBURSEMENT OF FUNDS
CARE & SUPERVISION OF COUNTY BUILDING
COUNTY PURCHASING
BOOKKEEPG AND ACCOUNTING
DEPT OF PUBLIC SAFETY AND WELFARE
MANAGEMENT OF JAILS, ALMSHOUSES, HOSPITALS
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DEPT OF HIGHWAYS
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PROBATE JUDGE
STATE COMMISSIONER OF EDUCATION
ATTORNEY GENERAL
JUSTICE OF THE PEACE
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in county government, the experience of many American cities which have adopted it is such as to sustain the opinion that it would be an excellent plan of organization for county government. It is recognized, of course, that organization alone cannot produce perfect government, but it is also recognized that seriously defective organization is always a bar to the achievement of efficient and responsive government.

*The Levy Court under the Manager Plan.*

The chart shows very clearly what is proposed for Delaware in the way of a manager system of county government. The levy court is to be reduced to three or five at the most. The levy court commissioners would be elected at large instead of by districts, although there are considerations, especially in New Castle County, which weigh against this plan. Possibly the enlarged districts that would necessarily result from the reduced size of the board would render this matter less vital. The present scheme of overlapping terms so as to constitute a continuous body is commendable and should be continued. In order to insure more constant responsiveness to popular will, provision could be made for the recall at any time of one or all of the commissioners. The number of signatures necessary for a recall petition to become effective should not be so great as to discourage resort to the recall. Probably 25 per cent of the qualified voters is a sufficient number.

The powers of the levy court should be so enlarged that through the agency of the manager it will be charged with all of the work at present performed by the multifarious independent functionaries of the county. Its active work, however, should be limited to the employment and removal of the manager, the receipt and consideration of reports from the manager and the comptroller, the adoption of the annual budget, the levy of taxes, and the enactment of administrative rules governing the manner in which the manager and other employees shall perform their duties.

It is not believed that the members of the levy court should receive any compensation other than a per diem for attendance upon sessions plus necessary expenses.

*The General Manager under the Manager Plan.*

The general manager of the county should be chosen by the levy court. He should be selected very much as a private corporation chooses a manager. The levy court should be free to canvass the state and even to go outside of the state to get an acceptable man. The salary should be of magnitude sufficient to attract men of experience and ability to the position. No fixed rule as to salary is laid down because very different considerations would determine that matter in the three counties.

The manager should not have a fixed term of office,

but should be subject to removal at any time by the levy court. He should be required to make reports to the levy court once a week or oftener if desired. The duties and powers which should be conferred upon the manager may be enumerated as follows:

1. To attend all meetings of the levy court.

2. To execute and enforce all resolutions and orders of the levy court, and see to it that all laws of the state required to be enforced through the levy court or other county officers are faithfully carried out.

3. To recommend to the levy court such measures as he deems necessary for the proper administration of the affairs of the county.

4. To appoint all county officials and employees whose selection is not otherwise provided for in the laws and constitution of the state.

5. Subject to resolution of the levy court.

(a) To purchase all supplies and materials used by all county officers, departments, or institutions.

(b) To execute contracts on behalf of the levy court.

(c) To obtain reports from the several county officers and departments supplying such information, presented in such form and at such times as the levy court may require.

(d) To procure from the several county officers and departments estimates of revenues and expenditures for the ensuing year and transmit the same with

his approval or disapproval of each and all of the items therein, in the form of a tentative budget, for the final sanction of the levy court.

(e) To perform such other duties as the levy court may require.

*The Departments under the Manager Plan.*

It is observed that provision is made for the grouping of county affairs into four departments. While the suggested departmental grouping is not insisted upon, it is believed to be more feasible than any alternative scheme. Certainly the number of departments should be no greater than four. At the head of each department should be a well-paid superintendent appointed by the manager and absolutely subject to his control and direction. In Kent and Sussex Counties economy might be effected by having the manager himself assume the superintendency of one of the departments. The work of the manager in these counties would be light enough to admit of such an arrangement.

*Bureau Organization within Departments.*

The grouping of functions under the four departments is suggestive only. It certainly would be unnecessary to maintain separate bureau organizations in the number indicated by this distribution of functions, at least not outside of New Castle County. In the department of records and secretarial work it

would be necessary to establish a bureau to handle all of the court work. It would be possible for this bureau, properly equipped and organized, to attend to all of the clerical court work now distributed among the prothonotary, the clerk of the peace, the register in chancery, the clerk of the orphans' court, and the register of wills. A second bureau would be needed for the work of filing, indexing, and recording of deeds, mortgages, and other documents. Outside of New Castle County all of the functions remaining to this department could easily be cared for in one bureau. These bureaus, it will be remembered, would not be distinct and independent organization units as are the county offices at the present time, but would be simply branches or divisions of the office of records and secretarial work. Hence it would be possible to save considerable money now expended for salaries of deputies and clerks, because clerks could be transferred from one branch to another so as to be kept continuously busy.

In the department of finance and accounts there should be a bureau for assessment. Probably the board organization which is now developing in Delaware could be retained here. The work now done by the receiver of taxes and county treasurer (as constituted in Sussex County) should be assigned to a second bureau. In the two southern counties the remaining functions of this department could easily be handled by a third bureau.

In the department of public safety and welfare there would be need of a bureau for supervision of jails and almshouses and another to assume the remaining functions. This department would carry on the work now done by the sheriff, the coroner, the trustees of the poor, and the jail commissioners.

The department of highways under our recommendations for the administration of highways in Delaware would be confined largely to maintenance and repair of the secondary and tertiary road systems. Therefore there would not be any need for subdivision of the work of the department.

*The Comptroller under the Manager Plan.*

It will be noticed that the present office of county comptroller is left unchanged. Whether this is advisable may be debated, but it is believed that in Delaware the success of this office amply justifies its continuance on the present plan. It has been observed above that the people would be very reluctant to surrender a counter-check upon the fiscal administration of the county which has performed services as valuable as has the county comptroller in Delaware. And since the debate as to whether the comptroller should be chosen by the voters or by the levy court is somewhat academic, it is proposed to leave the office unchanged except, perhaps, to increase the powers, qualifications, and dignity of the office.

*State-appointed County Officials under Manager Plan.*

The chart also shows no change in the status of the state-appointed officials except such as are necessary to conform with the recommendations that have been made for the reorganization of state government.

It will be noticed that the appointment of a probate judge is provided for. While it is held that such an official is not essential in Delaware because probate work could easily be handled by the resident associate judge in each county, as is now the practice in many other states, it is recognized that there is a general feeling in Delaware that it is wise to commit probate duties to an official who need not be a lawyer. Nevertheless, it does not seem prudent to continue the present system of an elected register of wills charged with both probate and petty clerical duties. The centralization of all clerical court work is indispensable to genuine efficiency. Therefore it is recommended that the clerical work now performed in the office of register of wills be transferred to the bureau of court work in the department of records and secretarial work, and that the office of probate judge, which shall assume the judicial duties of the register of wills, be created. The probate judge is made appointive by the governor in order to comply with the Delaware tradition that judicial officers should be appointed, and also to protect an efficient and honest official in his tenure.

*The Advantages of the Manager Plan.*

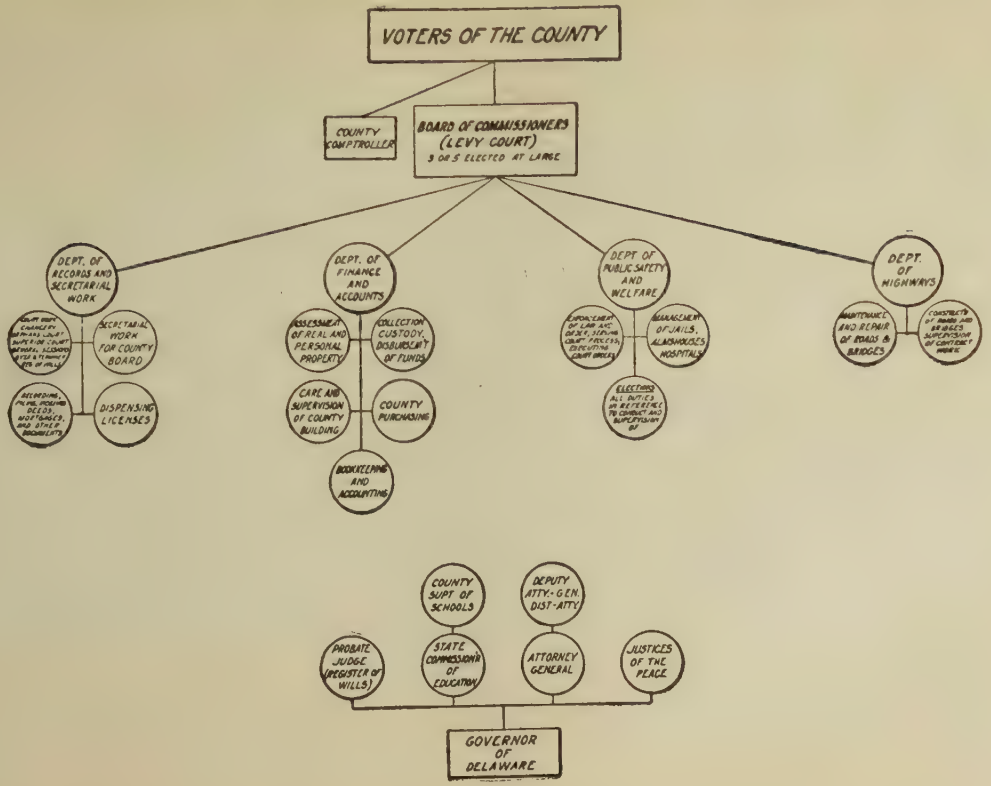
The advantages claimed for the manager plan as it would be applied in Delaware are:

1. It would establish an organization combining a high degree of administrative centralization with an equal flexibility and sensitiveness to popular control.
2. It would stimulate the introduction of efficient methods of transacting county business.
3. It would effect a considerable economy in overhead expenses by eliminating superfluous offices and employees.
4. It would place county service on a professional basis so that a man's continuance in service would depend upon the character of his work and not upon his ability as a campaigner.
5. It would place the responsibility for good or bad government squarely upon the voters so that the difference between the two would be a matter of civic ideals instead of a matter of chance as it now is.

*The Commission Plan.*

The commission plan as here recommended is a variant of the manager plan. It is the manager plan minus the manager. The practical difference is that instead of a single chief executive (the manager) responsible to the levy court for the execution of the law and the management of county affairs, the levy court assumes the dual rôle of representative body and chief executive. Perhaps the most notable in-

## SUGGESTED PLAN FOR COUNTY GOVERNMENT IN DELAWARE - THE COMMISSION PLAN.


VOTERS OF THE COUNTY
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ELECTIONS ALL MATTERS IN REFERENCE TO CONDUCT AND SUPERVISION OF
DEPT. OF HIGHWAYS
MAINTENANCE AND REPAIR OF ROADS & BRIDGES
CONSTRUCTION OF ROADS AND BRIDGES SUPERVISION OF CONTRACT WORK
COUNTY SUPT OF SCHOOLS
DEPUTY ATTY-GEN. DIST-ATTY.
PROBATE JUDGE (REGISTER OF WILLS)
STATE COMMISSIONER OF EDUCATION
ATTORNEY GENERAL
JUSTICES OF THE PEACE
GOVERNOR OF DELAWARE

stance of the commissioned governed county is the county of Los Angeles, California.

It is not advisable that the members of the levy court should individually assume the headship of executive departments, as is a common practice in the commission form of city government. This development in commission government resulted from a misapprehension of the original Galveston plan in which each commissioner assumed a sort of supervisory relation to one of the departments, became well versed in the work of that department, but did not assume charge of the routine work of the department. The actual administrative heads were officers appointed by and responsible to the commission as a corporate body. Experience has shown that when a member of the board acts as an administrative chief he becomes so immersed in the detail of his department that very often he loses sight of the larger function of the board as a correlating and controlling chief executive, with the result that the board degenerates into committee of administrative officials, jealous and suspicious of one another, and each exaggerating the importance of his own work. Thus executive unity is sacrificed to economy of personnel.

It is preferable that the levy court remain constituted as under the manager plan except that it as a board assume the functions of the manager in so far as practicable. The heads of the departments would be selected by the board and would be responsible to

it in the same way that they are responsible to the manager under that scheme.

*Advantages of the Commission Plan.*

As contrasted with the present system, the commission plan possesses all of the advantages which have been cited for the manager plan, except that it is weak in the matter of executive centralization. Whether this centralization is more than nominal depends upon the unanimity of the commission and the amount of time it devotes to the work of the county. The only thing to be said in behalf of the commission plan is that it brings about a greater degree of centralization than exists at present, and since it calms the fears of those who suspect one-man power under all circumstances may be obtainable when the manager plan would not.

*A Plan for Statutory Reorganization of County Government.*

In order to provide a plan which will partially correct the defects of the present system of county government and which can be put into effect without the necessity of amending the state constitution, a program embracing the following objects is suggested:

1. Consolidation as far as possible of existing offices, or where it is possible, requiring that two or more existing offices be held by one person.

2. Reduction of the size of the levy court after the pattern of the Sussex County plan.

3. The abolition of all present offices and positions controlled by the levy court and the concentration of all functions of these offices in a county manager appointed by and subject to the control of the levy court. These functions would be discharged by subordinates nominated by manager and approved by levy court.

4. Conferring upon manager administrative control over all elective county offices. He should have power to inspect the work of these offices, to require reports in detail on all matters pertinent to the work of these offices, to prescribe and install modern business methods, to determine the number of deputies and clerks to be allowed to each office, and to fix their salaries. He should also have power with the approval of the levy court to bring suit before the superior court for dismissal of any official guilty of violating law or of misfeasance or malfeasance in office, costs to be borne by county if suit should fail, but by the dismissed official if it should succeed.

5. Establishment of a budget system of finance, all officials being obliged to submit estimates to the manager who would make up budget and transmit it to the levy court with his recommendations. The application of the foregoing principles would bring forth the following practical results:

*1. Consolidation of Offices.*

As the law now stands it is impossible to effect a statutory consolidation of any offices except comptroller and treasurer, which is obviously undesirable. The office of district assessor, which remains in Kent and New Castle, should be abolished and supplanted by a system of central assessment. It is possible, however, to require that one person occupy the offices of prothonotary, register in chancery, and clerk of the orphans' court. Custom has already brought about such an arrangement for the latter two, and were the office of prothonotary included in the arrangement, there would be an economy of personnel and salaries at no loss of efficiency.

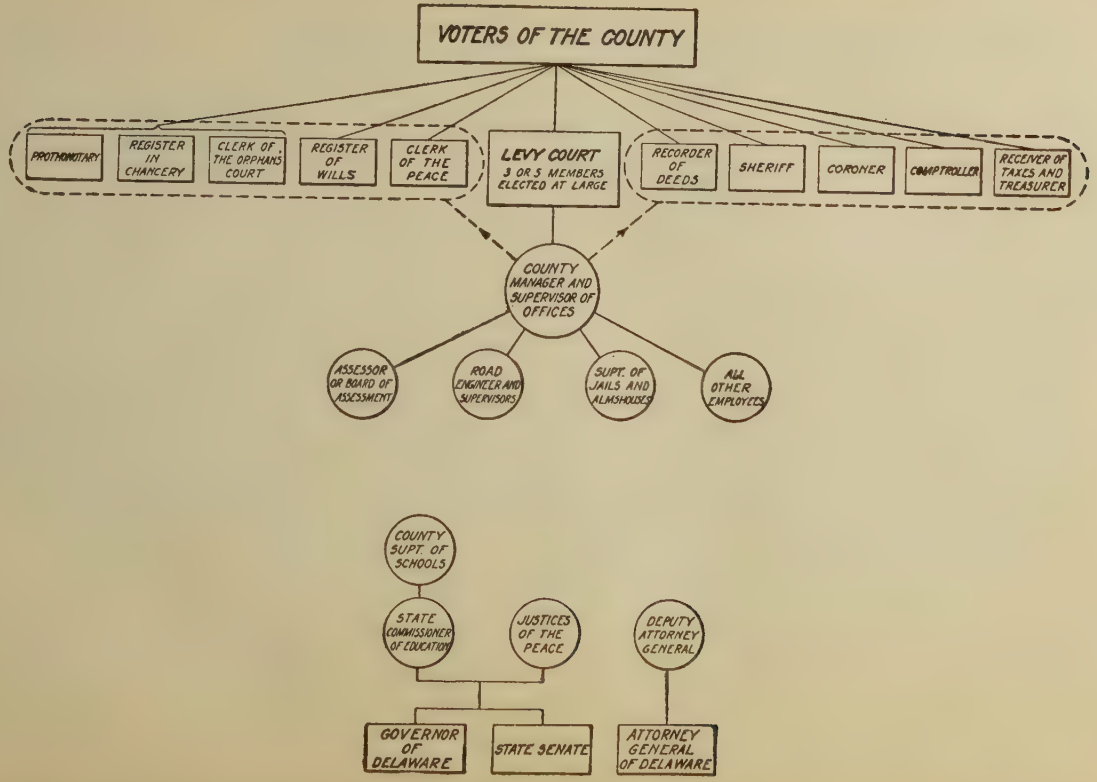
*2. Reorganization of Levy Court.*

In Sussex County the levy court has been reduced to workable size and the other counties are considering a similar action. Arguments already advanced in favor of this reform will not be repeated here.

*3. Offices under Levy Court.*

The trustees of the poor, the jail commissioners, the tax collectors, the constables, the district road supervisors, and the county road engineer would all disappear in this reorganization. The manager should be required to appoint subordinates to discharge the duties of these offices. The law might set up organ-

## SUGGESTED STATUTORY REORGANIZATION OF COUNTY GOVERNMENT IN DELAWARE.



ization units like those suggested in the chart on page 60. It would seem advisable to continue the boards of assessment with the changes recommended in Chapter III. The road engineer, superintendent of jails and almshouses, and all other employees would be selected by the manager and subject to his direction and to removal by him. Given a manager of vision and ability, he would surround himself with a corps of public servants who would be a credit to the county.

*4. Control of Elective Offices.*

The present lack of uniformity, duplication and absence of coöperation would be largely reduced by the constant inspection and supervision of the manager. It would be unlikely that county officers would neglect their work and resist the installation of efficient methods as they now do. The manager would have power to force them to attend to business, to coöperate effectively, and to keep their offices up to date.

*5. Financial Control.*

The levy court would actually be able to control the financial affairs of the county by means of an annual financial plan which would embrace every cent of the county's revenues and expenditures. The budget would bring every penny under control instead of leaving thousands of dollars beyond the control of the levy court as we now find it.

*Summary.*

This plan is not offered as a substitute for the manager plan. It is only a makeshift designed to produce some of the results which might be expected of the manager plan, but as a temporary expedient it might serve acceptably until constitutional changes can be brought about.

## CHAPTER III

### FINANCIAL PROCEDURE

*Separation of State and Local Revenues.*

DELAWARE is one of the few states in which there is entire separation of state and local revenues. While such separation is not a constitutional requirement in Delaware, it is a matter of firmly rooted custom. Whether it is a policy that should be continued, must be decided by the people of Delaware bearing local peculiarities in mind. It may be said in passing that such divorce of the sources of state and local income has not been so markedly successful in other states as to warrant its general adoption, and that there are many distinguished authorities who oppose it upon principle.

*County Revenues: Real Property Taxation.*

The bulk of county revenues in Delaware is derived from direct taxation, which under the law includes the real property tax, the personal property tax, and the capitation tax. As to real estate, the law provides that the assessor in each district shall " take accurate account of the land therein, specifying the quantity of acres belonging to every owner, what part is improved, what unimproved, and the building and

improvements, and shall assess the same at its just and true value in money, without any deduction or abatement whatever . . ." (Revised Code, chapter 44, section 27.) And again, "All property, real and personal, subject to assessment shall be assessed at its true value in money. If any assessor shall knowingly and wilfully assess any property upon any other principle than its actual value, he shall be guilty of a misdemeanor and shall be fined in any sum not exceeding one hundred dollars." (Revised Code, chapter 44, section 36.)

There is no mistaking the meaning of the sections of the code just quoted; the basis of real property taxation is unequivocally declared. Nevertheless, it is necessary to record the fact that until very recently at least the law has been little more than an aspiration. Property has not been assessed at its true value in money, nor has there been, until recently, conscientious effort to obey the law. Instances came to the attention of the survey staff of property assessed 75 per cent under its estimated actual value, and there was evidence that for many years the general level of valuation has been much below real value. This situation has been partially corrected in Sussex and New Castle Counties through the agency of the new boards of assessment, somewhat more successfully in New Castle than in Sussex because of the superior effectiveness of the New Castle County board of assessment. Of the policy of the law there is little

to say, except that it is far better to insist upon assessment at true value than to allow assessment below full value, as is the practice in some states.

*County Revenues: Personal Property Taxes.*

Respecting the assessment of personal property the law prescribes that " Each assessor shall ascertain and assess, according to law, all the taxable personal property in his Hundred or Assessment District . . ." (Revised Code, chapter 44, section 33.) The only specific exemptions of general classes of personal property are household provisions (not including livestock) for the use and consumption of the owner and his family for one year, farming utensils, working tools of mechanics or manufacturers, the implements of a person's trade or profession, the stock on hand of a manufacturer or tradesman, household furniture other than plate, grain and the produce of land, wearing apparel, ready money, goods, wares, and merchandise imported, vessels trading from any part of the state, shares of stock in domestic corporations owned by persons or corporations without the state. (See Revised Code, chapter 44, section 1, and Const., Article IX.) Custom has carried the exemption of personal property far beyond the schedule just stated. As a matter of practice the only kind of personal property that is assessed in Delaware to-day is livestock. While the wisdom of some of the statutory exemptions is open to serious question, there can be

no doubt of the rank injustice of obliging the farmer to bear the sole burden of personal property taxation. Many kinds of personal property that are liable under the law are now escaping taxation. The personal property tax should be made equitable or should be abolished entirely. To leave no doubt, the law should specify the classes of personal property to be taxed as well as the exemptions.

*County Revenues: Capitation Tax.*

The constitution of Delaware requires the legislature to provide for a capitation tax upon every male citizen of twenty-one years and upwards, the amount to be determined by the levy court of the county in which it is collected, subject to the qualification that the capitation tax shall be uniform throughout each county. The amount is to be not less than 25 cents and not more than $1.25. It is collected at the same time and in the same way as other county taxes.

The success of the capitation tax in Delaware is doubtful despite the ardent championship it receives in some quarters. The mode of accounting for revenues in Delaware precludes a segregation of the cost of assessing and collecting the capitation tax, so we can only record a doubt as to whether the revenue realized justifies the continuance of this tax. If the law were everywhere rigorously administered there would be little question about high cost of collection, but a certain amount of revenue will be realized under

the most lax enforcement of the law and the cost of collecting this is virtually nothing. In this case, however, the injustice done to those who are obliged to pay cannot be condoned.

A few ground rents are still assessed in Delaware, but so far as could be learned the practice is now limited to Kent County and promises to disappear within a few years.

*Tax Administration.*

Tax administration in Delaware is in such a chaotic state as almost to defy description. New Castle and Sussex counties have recently recast their machinery for the assessment and collection of taxes with gratifying results as far as they go. Much remains to be done, but what has already been achieved is in line with the best thought on the subject. Kent County clings to an ancient and outworn method of assessing and collecting taxes, whose inadequacy is all the more striking when compared with what is being done in the other counties. It is curious that the people of Kent County do not realize how far behind they actually are. In the matter of cost alone, the inferiority of the Kent County system is clearly demonstrable. Figures which were gathered from the comptroller's office in each county show the cost of assessment and collection of taxes in Kent County to be about 7½ cents on the dollar, while in New Castle and Sussex it is about 3½ cents on the dollar. In other

words, for every dollar of tax income the net revenue in Kent County is 92½ cents, while in the other counties it is 96½ cents.

The basic weaknesses of the Kent County system are so prominent that it is not deemed necessary to enter into a discussion of its details. The assessment is made by ten district assessors who are elected by the voters in each of the ten representative districts. This method of choosing assessors has long been discredited. The assessors so chosen are frequently incompetent persons who can afford to spare the time for the petty compensation the position offers. They are untrained, often inexperienced. They are independent, responsible to no one for the proper performance of their duties, and are inclined to do their work in the spirit of protecting the interests of the district rather than that of a scientific and accurate valuation in accordance with the law. Instead of a uniform system of valuation for the county there are ten, with the result that there are also ten tax rates in the county instead of one. The system is obsolete and should be abandoned.

Collection in Kent County is likewise decentralized. There is one collector for each representative district appointed by the levy court, and often a relative or political intimate of the levy court commissioner of the district. The collectors are compensated by the levy court on a commission basis. The weaknesses of this system are its expensiveness, the lack of con-

trol over the collectors, and the temptation it offers for defalcation and loose accounting for funds. Investigators were cited to many instances in the past where collectors have misused moneys, have been loose in their accounts, or have required coercion to get them to settle promptly and fully. There was not time to make a minute investigation of present conditions, but there is nothing to prevent the past repeating itself.

Methods of valuation, revision, and equalization in Kent County are equally obsolete. Likewise, accounting for taxes is deficient. No revenue accounts are kept, entire dependence being upon the assessment rolls, the collectors' duplicates, and the collectors' receipt stubs. The present comptroller maintains a crude sort of ledger account of receipts, but it has little value as a control.

The new plan of assessment and collection of taxes in Sussex County has justified itself, although there is considerable room for improvement. The board of assessment has been unable to accomplish what it realizes could and should be done because the members cannot devote all of their time to the work. A $900 clerk, who is the sole regular employee, cannot be expected to work out the expedients and devices essential to the success of a wholly new scheme of assessment. It is suggested that this difficulty may be met by the designation of one of the board as chief assessor and the others as associate assessors. The chief

assessor would receive an adequate salary and would devote his whole time to the work. The associate assessors would give part time only, and would be paid on a per diem plan. Such a scheme would possess the advantages of the single assessor system which prevails in many states, and yet would preserve the value of board action on certain phases of the work which is undeniable.

The system of self-assessment, which is employed by the Sussex County board of assessment, is still in the experimental stage. Improvement could be effected by supplementing it with an adequate set of land value maps and by a more frequent use of the board's power to summon witnesses and require testimony. At present the board is not able to scrutinize the returns made by taxables as carefully as it should. The blank forms and books used by the board are still subject to improvement, but these will be worked out by the board itself if given a little time. On the whole, the board of assessment is to be congratulated upon what it has done with meagre resources. It is one of the landmarks of progress in the state of Delaware.

The collection of county taxes in Sussex County is now centralized in the hands of the receiver of taxes and county treasurer, and the innovation is working with success that amply justifies it. The method of billing taxes is very satisfactory, but adequate control accounts are not yet in use.

The most expert and scientific county assessment work in Delaware is that of the New Castle County board of assessment. This board, consisting of four members amply compensated, devoting full time to the work and aided by a competent staff, is establishing standards which should be emulated in the other counties. By supplementing the returns made by taxables with a set of land maps and, if deemed advisable, actual viewing of the property, the board has been able to bring assessed valuations to an approximation of accuracy never before attained. Unfortunately, the law under which the board acts impairs its effectiveness in some particulars which should receive comment here.

The retention of the elective district assessors in the rural sections is a piece of astounding wastefulness and confusion. The board does not need their assistance and is often embarrassed by their activities. The next general assembly should abolish these useless offices.

The requirement that the assessment lists be arranged alphabetically is also unfortunate. It renders the work of both assessment and collection unnecessarily laborious, and at the same time seriously limits the value of the list as a medium of information. Adjoining property owners naturally compare very carefully the valuation placed upon one another's property and complaints arising from such comparison can be of considerable assistance to the board.

Alphabetical arrangement of parcels of property according to the owners renders such comparisons difficult because of the dispersion of adjoining parcels of property throughout the entire list. It is suggested that the law should give the board entire freedom in arranging the lists according to the situation of the properties as well as alphabetically, if found desirable.

Another statutory requirement which hampers the board, is that it must make its assessment lists by election districts. The disadvantage of this is that it compels the board to adjust its work to geographical units established for a purpose very different from that of valuation of property. The line which bounds an election district may and often does separate property which ought to be grouped together for assessment purposes. Conversely, such election district lines result in the lumping together of properties that for assessment purposes should be separately classified. The obvious result is that the board is seriously impeded in its effort to do a scientifically accurate piece of work.

It should be noted at this point that the assessment boards of New Castle County and the city of Wilmington largely duplicate each other's work. This condition is a bequest from the past, and is perpetuated because of the jealousy existing between the city and the rural sections of the county. The county board practically accepts the city board's valuations

of city property, although it does not obtain them directly from the city board. One assessing board for the entire county would be sufficient, but so intense is the feeling between rural and urban sections that it is doubtful if such a plan would find favor anywhere. Separation of city and rural New Castle as outlined in Chapter VII would seem to be the surest way to eliminate this duplication.

The collection of taxes in New Castle County is not yet wholly centralized. The receiver of taxes and county treasurer collects all of the county and poor taxes in the city of Wilmington, but outside of Wilmington there is a collector for each hundred. For the sake of both economy and control this illogical system should be abandoned. The expense of collection under the decentralized system is far above what the work could be done for under a centralized plan. The comptroller keeps tax accounts which, were the collection centralized, would establish fairly adequate control. As it is, the accounting control over tax collections is better in New Castle County than in Kent and Sussex. Within the jurisdiction of the receiver of taxes the billing system is adequate.

The allowance of abatements upon payments of taxes within certain time (under chapter 74 of laws of 1917) seems ill-advised. With efficient collecting machinery taxes can be collected promptly without abatements. Furthermore, discounts of this sort add uncertainty to budget calculations of estimated revenues.

*Suggested System for Assessment and Collection of Taxes in Delaware.*

It does not seem wise to recommend a wholly uniform system of assessment and collection of taxes for Delaware because there are differences between the rural and urban sections of the state that must be taken into consideration. For example, an organization like New Castle County board of assessment could not be supported in the other counties. There are, nevertheless, certain fundamental principles that should be observed in any proposed recasting of existing arrangements, and these may be enumerated as follows:

1. Assessment for all purposes (county, town, school district, and any others) should be concentrated in the hands of one board of assessors with jurisdiction over a whole county.

2. The board of assessors should be so maintained that it can perform its duties in a thoroughly scientific and impartial manner. Members should be chosen in accordance with professional and expert qualifications, and the tenure and compensation should be such as to secure the best ability available.

3. Collection of all taxes for all purposes should be centered in a single county office. The Sussex County plan is a model in this regard, except that the receiver of taxes does not collect town, school, and other non-county taxes. Modern devices to facilitate

and safeguard collections should be installed, together with suitable control accounts.

4. All collections of taxes should be deposited to the credit of the county daily. The moneys belong to the county from the moment they are paid and should be so handled that the county receives all benefits immediately. It is unthinkable that a county should be obliged to overdraw its bank account while perhaps thousands of dollars are in the hands of collectors awaiting monthly settlement.

5. Discounts and abatements should not be allowed, but promptness should be insured by efficient collecting agencies and suitable pecuniary penalties for delay.

6. Arrears should not be farmed out to collectors on a commission basis, but should be promptly collected by sale under judgment with suitable redemption privileges, but every precaution should be taken to keep title unclouded.

7. There should be some agency to act as a board of equalization for the entire state to review the work of assessing agencies of the counties. So long as the state derives no revenue from direct taxation, this may not be imperative, but it would be a corrective of the eccentricities and errors of local valuation.

*Fees and Allowances.*

Delaware is to be congratulated upon legislation enacted in 1917 abolishing the vicious fee system of compensating county officials. Although this act has

not yet completely taken effect, due to a proviso preserving fees to persons in office when the bill was passed until the expiration of their terms, its beneficial effects are already patent. In a few instances allowances in the nature of fees are not affected by this act and conditions are such as to require ameliorative legislation in these cases.

The allowance to the sheriff for the board of prisoners in Kent and Sussex Counties is under the control of the levy court. The sum allowed is at present 40 cents per day per prisoner. It is not to be supposed that this sum is sufficient to permit the sheriff to engage in profiteering at the expense of the prisoners, yet the principle is wrong. There is always a temptation for the sheriff to endeavor to make a profit out of this allowance by furnishing inferior and unwholesome food. The right way is to require the sheriff to furnish a simple and adequate diet approved by the state welfare authorities and let the expense be met in the same way as other county expenses. Control can be established by suitable vouchers and audit as in the case of other county purchases.

The sheriff's mileage fees also need attention. Sheriffs now assert that mileage scarcely covers the expenses incurred in the service of process. The accounts kept do not permit either the verification or impeachment of this contention. It is because of loose practice in respect to mileage fees that the problem is raised. It was found in some cases that the

sheriff was receiving not only his mileage fees, but also a 10 per cent commission on the same. This apparently was permissible under the law, as it stood before the abolition of commissions on fees. The law is also sufficiently ambiguous to permit the sheriff to collect mileage on each separate writ, although he may have served half a dozen at one place without extra travel. The mode of reporting mileage does not preclude this. It is a practice that should not be permitted.

Certain matters respecting accounting and control of fee revenues should receive attention in Delaware. Only in rare cases are receipts given to persons paying fees. This is not to be commended for two reasons: (1) the person paying a fee is entitled to better evidence of payment than the entry upon the officer's fee book; (2) the furnishing of a receipt is a valuable check upon possible dishonesty of clerks or officers collecting fees, particularly if by carbon process the receipt is made in duplicate, the copy to remain bound in the book which would be subject to the audit of the comptroller.

All collections of fees should be deposited to the credit of the county treasurer daily instead of monthly. The money belongs to the county the moment it is collected and should be made available for the county's use at once. Furthermore, it is unwise to allow more than one county official to maintain a bank account because it paralyzes effective control of county rev-

enues and is often an invitation to peculation. The comptroller also should receive daily reports of fee collections from each office in order that he may always know precisely the state of the county's revenues. The present method of reporting fees to the comptroller is of no service except that the comptroller may once a month check up the mathematical accuracy of the fee book. The law should be changed so as to furnish the comptroller daily with information as to total fee receipts of each office and also to supply him with data for a real audit.

*Allowance of Bills and Claims.*

Appropriation of funds is the main function of the levy court. With a few exceptions created by statute every expenditure of county moneys must have the approval of the levy court as well as that of the comptroller. In New Castle and Sussex Counties effort is made to have sufficiently minute supporting data presented with each claim or bill, but in Kent County the procedure is less exacting. Claims and bills go first to the comptroller, who examines them and decides whether or not he will approve. Next they go to the levy court. In Kent and New Castle Counties the action of the levy court is perfunctory unless the matter involved is an exceptional one. In Kent County claims and bills are presented by the comptroller in person, who explains the nature of the bill and the reason for his own action. The levy

court then acts and usually approves without much question, if the comptroller has already approved. This, it may be said, is partially due to the unusual confidence of the levy court in the present comptroller. In New Castle County the action of the levy court is equally perfunctory. Bills of related character are there lumped together and passed in omnibus form. Contrasted with the slight participation of the levy court in the approval of bills in the two northern counties is the careful scrutiny given by each member of the court in Sussex County. Each bill or claim is examined by each of the three members before the court acts. Reliance upon the comptroller is slight compared to the dependence upon this officer in the other counties.

After the bills are allowed by the levy court they proceed to the office of clerk of the peace, who as clerk of the levy court draws the warrants which are signed by the president of the levy court, the treasurer, and the comptroller.

In the passing of payrolls no satisfactory supporting data are submitted. Time sheets are employed as the basis of claims for wages on road work, but are not of the most approved type. Salaries and wages of county officers and their subordinates are paid without the requirement of any time records whatever. No effort is made to safeguard the county against an unnecessary salary cost. Neither the levy court nor the comptroller ever questions the right of

an official to his salary, although they may know he has done nothing to earn it except to act as titular head of the office. It is believed that they have the legal authority to insist upon time and work records as a condition precedent to the approval of warrants for official salaries, but for political reasons they refrain from employing this power. The consequence is that a county office in some sections of Delaware is used as a convenient source of revenue while the incumbent manages his farm, operates his business, or practices his profession.

In regard to bills for supplies and services, other than personal, the New Castle and Sussex levy courts have developed order sheets or vouchers which must accompany the bill. There is nothing of this character in Kent County. The control established by these order sheets is not as good as it should and could be made, but it is doubtful whether anything better is possible while the lines of administrative authority remain as at present.

*Financial Planning.*

Financial planning or budget-making, as it is commonly called, is in a very rudimentary state in the three counties of Delaware. Documents called budgets were found in both Sussex and New Castle Counties, but they in no sense deserve that name. The most complimentary thing that can be said of them is that they exhibit some apprehension of the

worth of the budget idea and that they make simpler the discussion of the budget problem in this report.

The law reorganizing the levy court of Sussex County provides that the levy court prior to April 30th of each year " shall, upon due inquiry and investigation, estimate the amount of money which will be required for the current year, dividing and apportioning such estimate for and among the following county needs and purposes:

" 1. For general county purposes, to be known as the ' general fund.'

" 2. For the general repair and maintenance of roads and bridges, to be known as the ' general road fund.'

" 3. For the special or permanent improvement of roads, to be known as the ' special road improvement fund.'

" 4. For the payment of interest on bonded indebtedness and for the redemption of matured bonds, to be known as the ' bonded indebtedness fund.'

" 5. For the support of the poor, to be known as the ' poor fund.'

" 6. For the payment of warrants not of the current year, to be known as the ' outstanding warrant fund.'

" 7. For the expenses of courts of justice, to be known as the ' witness and jury fund.' "

On the last Tuesday in April the levy court is obliged to lay such a rate upon the assessment lists of

the county as will in its judgment be required to produce the sums called for in these funds.

Pursuant to this statute the levy court has made estimates of anticipated expenditures according to the classification called for, and has by resolution adopted these estimates as the annual budget of the county and laid a tax rate necessary to produce the sums called for. The resolution is entered upon the records of the levy court, which thereafter conscientiously endeavors to confine itself to the sums stated therein.

It seems superfluous to point out that this is in no sense a real budget. There is no provision for estimates of revenues, no control over the procedure and form of submitting estimates, no provision for hearings and revisions of estimates, no collateral supporting data are required, and there is no control over the administration of the budget. The most that can be said for it is that it is a beginning.

The levy court of New Castle County, without statutory mandate, has for several years prepared and adopted an annual budget statement. This statement, it was understood, is prepared in the office of the comptroller and consists of a schedule of estimated receipts followed by a similar schedule of estimated expenditures, the estimates in both cases being made on the basis of past experience, as shown by the figures on the comptroller's books.

Criticism of this is practically the same as that

made of the Sussex County budget statement. It has a little value as a fiscal chart and compass for the levy court, but it is not a genuine budget.

*Essentials of a County Budget.*

Budget reform has been exceedingly popular in state and municipal government, but it has not yet made much headway in county government. A few states, New Jersey and Washington [1] being conspicuous examples, have pioneered the way with general laws establishing a budget system for all the counties of the state. From the experience of these states and from the extensive experience of the country with municipal and state budgets are derived the following principles that should govern in constructing an adequate budget system of finance for counties:

1. Ample budget-making power should be vested in the county board which is composed of the elected representatives of the people.

2. Scientifically classified estimates of revenues and expenditures upon standard forms should be required of every official spending or receiving county moneys.

3. These estimates should be forwarded in ample time to the secretary of the board or to the chief financial officer of the county acting as the agent of the board for this purpose, and he should be required

[1] The Washington law was subjected to a popular referendum and was defeated by the vote of the people.

to compile and present to the board a budget statement, the content and plan of which should be scientifically adapted to the operating exigencies of the county government.

4. The budget statement should be accompanied by comparative data, showing the fiscal experience of the county for the two years immediately preceding.

5. The budget statement should be printed in newspapers of general circulation within the county, together with notice of public hearings to be held on the budget. Citizens should be invited and urged to attend.

6. The county board, or if it is a large board, the finance committee of the board should be obliged to hold public hearings at which the budget will be taken up and considered schedule by schedule. County officers should be obliged, upon the summons of the board, to appear before it to explain and defend their estimates, and the board should have the right of access to their books. Citizens also should be given the right to appear before the board at this time to make statements or a protest. The board should have complete authority to increase or decrease the items of the budget statement as it deems advisable.

7. After ample notice to the public, the revised budget should be adopted by the board in open meeting at which citizens may appear and make statements. Each schedule should be taken up and adopted after adequate debate. Finally, the budget as a whole should be adopted without debate.

8. Scientific appropriation accounts should be set up in the office of the chief financial officer of the county immediately after the adoption of the budget and should be carefully kept in the same manner that other county accounts are kept.

9. The chief financial officer should be required to make weekly or monthly reports to the county board, showing the condition of the appropriation accounts. These reports should show: (1) the total appropriation; (2) the amount disbursed to date; (3) the amount disbursed since the last report; (4) the unexpended balance; (5) the amounts contracted against the appropriation but not disbursed to date; (6) the unencumbered balance.

10. A uniform fiscal year should be established, which would harmonize with that of the state and of the United States because of the receipt of both federal and state aid. The federal fiscal year, July 1st to June 30th, is suggested.

*Custody of County Moneys.*

The county treasurer is by law the custodian of all county moneys and the law (Revised Code, chapter 45, secs. 68 and 92) obliges the county treasurer to deposit all moneys received by him in the Farmers' Bank at the county seat of his county. Moneys so deposited remain in the Farmers' Bank until drawn by the treasurer in payment of legal demands on the county.

The Farmers' Bank is a state bank, privately managed, in which the state of Delaware holds a controlling interest of the stock. The counties, as such, own no stock in the bank and are in no way represented upon its directorate.

Statements received from the branches of the Farmers' Bank in the three counties indicate that large sums of money are carried to the credit of the counties. The average monthly balance to the credit of the county in New Castle County is given as approximately $102,000, in Kent County as $43,000, and in Sussex County as $38,000. Whether the figures supplied include accounts of revenues received by the several county officers but not yet paid over to the treasurer is not clear, for except the clerk of the peace, these officers are not obliged to keep their accounts in the Farmers' Bank. Many of them do as a matter of convenience in settlement; others do not.

The counties receive no interest on moneys deposited in the Farmers' Bank. As has been pointed out in the report on state government, this is a wide departure from what is recognized as good practice. Particularly is this true in case of the counties, because they enjoy no compensation in the form of stock ownership and participation in management as does the state. In many states custodians of public funds are obliged before depositing in any bank to secure bids from banks as to interest rates they will allow on both daily balances and time deposits, and to place

deposits with the highest responsible bidder or to distribute deposits according to some fixed rule for determining the security and interest rates to be offered by banks. In other cases a minimum interest rate is fixed by law and the custodian of public moneys is forbidden to deposit in any bank which will not pay this minimum.

The justice of such legislation is obvious. There is no defensible reason for denying the county the same business advantages which would be accorded to a private corporation; and there is even less reason for the public to subsidize some particular banking institution, thus giving it a competitive advantage over all others in the community. Moreover, the revenue accruing to the county from such interest in course of a year would be no small sum. Assuming that the figures furnished indicate with fair accuracy the sums annually passing through the banks, it is apparent that large interest revenues would accrue to the counties which might be applied to reduction of taxes or to public improvements. At the rate of 3 per cent the interest realized in New Castle County, for example, would approximate $3,000 a year.

Whether Delaware shall continue the Farmers' Bank as the sole depository of public moneys must be decided locally, but there are certain principles to be followed in dealing with public moneys which can be stated by an outside observer:

1. Provision should be made for the payment of

interest on either daily or monthly balances as may seem wise, and without doubt on quarterly, semi-annual and annual time deposits, and other less active deposits.

2. The rate of interest paid should be on a graduated scale, being less on daily than on monthly deposits, less on monthly than on quarterly, semi-annual or annual deposits, and so scaled at a rate increasing with the length of the deposit.

3. Provision should be made for the periodical revision of the rate of interest so as to allow adjustment to money market conditions.

4. The county comptroller should be informed at proper intervals of the amount of interest accruals.

5. If banks in the government and administration of which the public do not participate, should be selected as depositories they should be required to furnish approved security.

6. Bank officials should be consulted as to the safest and most expedient way of carrying accounts in order to facilitate the fiscal transactions of the county.

*County Indebtedness.*

The three counties of Delaware are at the present time singularly free from heavy indebtedness, but if projected road improvements are carried out this condition cannot endure. Therefore it seems prudent to point out some of the weaknesses in the present methods of handling county indebtedness.

Probably the worst condition is found in Kent County. The total bonded indebtedness of the county is $195,000, of which $85,000 is represented by the funding bonds authorized by the act of the general assembly approved March 12, 1913. These bonds were issued in cancellation of $85,000 of bonded indebtedness which matured in 1913, but which the county was unable to pay at that time. But instead of profiting by this experience and refunding on a plan that would discharge this debt in annual installments that would place no serious burden upon the financial program of any year, eighty-five funding bonds of $1,000 each to mature in twenty years were issued. No sinking fund has been established by means of which these bonds may be liquidated at maturity. The comptroller advised that in all probability when these bonds mature they will again be refunded and so *ad infinitum*. The results of such financing are conspicuously pernicious. Here is a floating indebtedness of $85,000 which has been hanging over the county for many years; the benefits for which the money was expended have probably disappeared long since or at least the people have forgotten them; the interest payments will soon equal, if they have not already equalled, the principal and yet this millstone continues to hang upon the necks of the taxpayers because those responsible for county finances have lacked the courage to bring the people face to face with their obligation and compel them to liquidate it.

The bonded indebtedness of Kent County on account of good roads amounts to $110,000 in the form of serial bonds. The only major criticism of these is that the initial payments are deferred twenty years, by which time the improvements for which they are expended will have so deteriorated that new bond issues will be necessary. The generation which uses the roads improved by the first borrowings will escape with payment of interest only. Another generation, because it is obliged to shoulder the principal and remaining interest of the first loan, will demand a similar deferred payment loan for road improvements made in its time, but will be obliged to carry the interest on the early years of the second loan along with the principal and interest of the first loan. Thus, the load will accumulate until it becomes unendurable. The supreme value of the serial bond is that it facilitates the pay-as-you-go policy which everywhere is recognized as the soundest method of finance. The serial annuity bond may be recommended as a still better expedient for this purpose if properly applied.

The indebtedness of Sussex County is only $82,-413.29. All of this is on the serial bond plan and is now being discharged. There is no serious criticism of the plan in effect, but it may be said that for budget purposes the serial annuity bond which discharges both principal and interest in a series of equal annual payments is to be preferred.

The bonded indebtedness of New Castle County

amounts to $2,106,000, which is in the form of sinking fund bonds and serial bonds. Criticism of the serial bond scheme as employed in New Castle County is the same that has already been noted in case of the serial road bonds of Kent County. The date of the initial payments is too long deferred. The most extreme illustrations are the Highway Improvement Series Nos. 2, 3, and 4, amounting in all to $700,000. The initial payments on these bonds do not begin until 1945 and the final payments are made in 1964. Twenty years is a conservative estimate of the lifetime of a road improvement and, therefore, by the time these improvements are paid for the road will have been built anew at least a couple of times. Evidently the county authorities of to-day are little concerned about the tax rate of 1964.

Without entering into a lengthy discussion of the subject, it may be suggested that sinking fund bonds be avoided in the future as far as practicable. They are objectionable because of the possible larger ultimate cost of discharging the debt and because they are a constant temptation to careless and improper financing.

*Recommendations Concerning County Indebtedness.*

In discussing the question of county indebtedness, it is always prudent to remember that circumstances forbid absolute uniformity of practice. The character of the benefit for which the debt is incurred has a great deal to do with principles which should govern.

It is assumed, of course, that a large floating indebtedness is never to be countenanced. If there are circumstances which condone this practice, they must be of most exceptional character.

In deciding between sinking fund bonds and one of the serial bond plans, the character of the statutes concerning the administration of sinking funds should receive careful scrutiny. Unless the safeguarding statutes are explicit and detailed the sinking fund bond should be avoided and the serial bond adopted.

Either form of serial bond is to be preferred over the sinking fund bond. To facilitate budget-making the annuity form is better because it calls for the annual payment of a specified sum covering both principal and interest.

How long payment should be deferred is a debatable question within certain limits. In the case of bonds issued in payment for benefits of limited duration certainly payment should not be deferred beyond the life of the benefit. It is believed that those who enjoy a benefit should foot the bill, and not their children and grandchildren. Conversely, if the benefit is one of long duration, payment should be distributed chronologically, and in such a way apportion the burden equitably among the beneficiaries. It is for this reason that the New Castle County building bonds carrying through to 1962 may be commended, although highway bonds running to 1964 must be condemned.

*Accounting Methods.*

No attempt will be made here to deal exhaustively with the subject of governmental accounting as applied to counties; but it is desired to set forth the general principles which should underlie an adequate system of county accounts, and then to point out wherein the present accounting methods of Delaware counties deviate from those standards.

The purpose of keeping accounts is to furnish to administrators and, through the medium of intelligible reports, to furnish to the citizen a clear and unmistakable record of the government's financial condition and of the results of its various operations expressed in dollars and cents. This necessitates not simply scientific records (or books), but procedure in the audit and payment of claims, in payrolls, and in the audit and collection of revenues which will supply proper data upon which to base the books. Briefly summarized from the full exposition given in the report on state government in Delaware, prepared by the New York Bureau of Municipal Research for the Delaware State Council of Defense, these procedural requirements are:

1. For the audit and payment of claims.

A clear and unmistakable statement of the claim to be furnished by the claimant.

Prompt rendering of claims by claimant.

All claims to be presented to the comptroller for

audit before payment. No payments to be made by other than the county treasurer and only upon the authority of the comptroller.

Proper departmental certification on the claim.

Advice to the comptroller of delivery on a "blind-tally slip."

Audit of claim with purchase order or contract and with "blind-tally slip."

Audit of extensions and footings.

Examination to prevent double payment.

Audit as to sufficiency of funds in the appropriation.

All payments made by the county treasurer, the comptroller countersigning all checks before payment.

The use of the special voucher-warrant check form.

2. For payrolls.

Roster of employees kept by the comptroller or other proper officer.

Daily time records of employees kept for each department.

Time reports certified by proper supervising officials and audited by comptroller.

Complete payroll document prepared by the comptroller in the manner prescribed.

Pay-checks written and signed by the treasurer and drawn against a separate payroll bank account to the credit of which the total amount of the payroll has been placed on the authority of the comptroller.

The date of payment to be definite and after the close of the payroll period.

3. For the audit and collection of revenues.

Preparation of the assessment roll by the assessors.

Audit by the comptroller of the assessment roll before collection.

Entering of the total amount of the roll on the general ledger of the comptroller, as a controlling account.

Taxes billed and collected by the treasurer.

Daily cash statement of the treasurer to the comptroller, including the amount of taxes collected.

Audit by the comptroller of the collections through

(a) Comparing the total amount of the reported collections with the total of duplicate bills accompanying the cash statement.

(b) Comparing the date of remittance as indicated on the duplicate bill with the date of the cash statement.

(c) Comparing the bank deposit with the amount reported as collected.

(d) Ascertaining from the controlling account whether the revenues are being collected with sufficient promptness.

(e) Using the controlling account at the end of the year to determine whether all collections are made.

That the counties of Delaware are very deficient in respect to the foregoing standards must be evident to every person who has read the preceding sections of this chapter.

The transactions recorded by these procedures should be so classified and summarized as to produce

the information required respecting public finances; and these processes of classification and summarization should be effected by means of a properly correlated series of books known as registers and ledgers, operated on the double entry system. Registers and ledgers and their appropriate use in an accounting system are explained in the report on state government in Delaware in the following language:

"A register is a chronological record of one class of transactions, such as (1) cash receipts; (2) cash disbursements; (3) audited vouchers, or (4) audited revenues. The entries in a given register are, therefore, derived from one class of documents. The purpose of a register is not only to produce an accurate record of a given class of transactions in chronological order, but also to produce totals for posting periodically to the general ledger.

"A general ledger is a record in which accounts are kept of the several kinds of classes of assets, liabilities, reserves, expenses, and revenues, each account being a summary of all the transactions that relate to the subject that it covers. Some of the accounts are controlling accounts, that is, accounts that control or govern the accuracy of accounts in detail ledgers.

"A detail ledger is one that relates only to one subject and contains only one class of accounts, such as accounts receivable, assessments receivable, bonds payable, etc. For example, the detail ledger of ac-

counts receivable contains an account with each individual debtor, the total of all these accounts agreeing with and being controlled by an account in the general ledger entitled 'accounts receivable.'

"There should be two groups of accounts: the first, relating to expenses, assets, liabilities, revenues and reserves, should be kept in the general ledger and the detail ledgers supporting it; the second, relating to appropriations, should be kept in the appropriation ledger. These two groups should be entirely independent of each other; that is, each group should balance by itself independently of the other. Every entry made should be confined only to one of these groups. Two separate and independent trial balances should be prepared."

Three systems of county bookkeeping may be found in Delaware — one for each county. A brief summary will show how chaotic and how far short of the ideal the practices actually are. New Castle County has no general ledger, but does have a tax receipt ledger and an appropriation ledger. The only registers are the fee registers kept by the several fee-collecting officers, which incidentally are wanting in uniformity. In Sussex County the comptroller keeps a general ledger and a record of appropriations. His book of original entry is a loose-leaf voucher book into which, in serial order, all approved vouchers are bound. These vouchers are posted in detail to the cash accounts and the several appropriation accounts.

In addition he keeps a cash book duplicating the cash entries in these vouchers. Fee registers are kept by the several county officers as in New Castle County. Kent County has very little in the way of accounts. The comptroller keeps a sort of ledger in which he records the receipts of the county from its several sources of revenue, and the several classes of disbursements of the county. These receipt accounts and disbursement accounts are never closed, but annually they are simply abandoned and new ones opened. The treasurer keeps no accounts except his check stubs. He explained that he arranges with the county's depository bank that it shall pay on presentation the warrants of the levy court signed by the comptroller, and that at the end of the month he draws one check upon the county funds to redeem such warrants. The chief advantage of this practice is that it relieves the treasurer of the labor of writing up several hundred checks a month. Fee registers are kept in Kent County in substantially the same way as in the other counties.

But not even the most perfect accounting procedure and records will have practical value unless supplemented by adequate and intelligible reports. The standards of good financial reporting as set forth in report on state government in Delaware are:

*General Balance Sheet.*

"This should be prepared monthly by the comptroller and transmitted to the governor (in case of the county the levy court is the chief executive). It should be prepared from the general ledger and should show the current assets and liabilities and a comparison with the preceding month or with the corresponding month of the previous year. Whenever advisable, the assets and liabilities should be supported by schedules, showing the details thereof."

*Monthly Statement of Operations.*

"This statement should be prepared by the comptroller and transmitted to the governor (in case of the county to the levy court). Its purpose would be to show in comparative form both the revenues which had accrued to the state and the expenses which had been incurred by all state departments and organization units during the month. By setting off the revenues against expenses, the monthly increase or decrease in operating surplus is arrived at. Of course the term 'operating surplus' is not employed here in the sense in which it is used in business enterprises, and cannot be so employed in governmental finance. The purpose of the statement of operations is to show the governor (or levy court) whether the actual revenues of the state (or county) are coming up to the expectations of the legislature expressed in the revenue laws. If he finds from this report that

revenues are falling far short of the amount anticipated he may find it desirable to call in his department heads and take counsel as to how expenditures may be reduced. Otherwise he must go to the end of the fiscal year or the biennium knowing that the legislature will have to meet a deficit owing to the failure of the revenues to meet the appropriations for the period.

"The statement should show in detail for each kind of revenue and expense of each organization unit, the amount for the current month, for the previous month, the increase or decrease therein; the amount to date in current year, to date in the previous year and the increase or decrease therein.

"It should be supported by schedules classified by objects of expenditures and, when deemed advisable by the governor (or levy court), it should also be supported by reports of functional costs from departments."

*Monthly Statement of Cash Receipts.*

"This statement should be prepared by the comptroller and submitted to the governor (or levy court). The main purpose is to show in comparative form, from month to month, for the current and preceding years, the amounts which have been *collected* from each of the several kinds of revenue. It would be mainly statistical, but should be of considerable interest and value to the governor (or levy court) and serve as a report on the collecting efficiency of the treasurer."

*Monthly Statement of Appropriations.*

"The purpose of this statement is to show the unexpended and the unencumbered balance of each appropriation. It should be submitted to the governor (or levy court) by the comptroller.

"A statement for his organization unit should also be handed to each department head thereof. It should allow space for recording thereon the expenditures made during the coming month by the department head, so that he may keep informed currently as to the condition of his appropriations."

*Annual Report of the Comptroller.*

"This report should be printed and published primarily for the public. It should contain a statement for the year of the facts outlined in the statements previously discussed in this section of the report and all schedules referred to therein.

"This report would give the public information respecting the finances of the state (or county) and would permit an intelligent review of the financial administration and the formulation of opinions that should be helpful in attaining efficient management of the finances."

County financial reports in Delaware are of the most meagre character. In each county the comptroller submits an annual report, which unfortunately has very little informative value because based on improper accounting. In Sussex the comptroller prepares a weekly cash balance which is helpful.

## CHAPTER IV

### BUSINESS PROBLEMS

*County Purchasing.*

How to safeguard the county in the purchase of supplies is, and has ever been, a most vexatious problem in Delaware. All of the usual results of uncontrolled purchasing may be observed. Firms selling to the county have exploited it with exorbitant prices, a few county officials have conspired with certain firms to their mutual profit, honest county officials have been thoughtlessly extravagant in the purchase and use of supplies, county supplies have been devoted to the personal use of officials and employees, there has been no standardization of supplies — experiences like these have been as common in Delaware as in other states where government is irresponsibly organized.

One of the best instances of what may result from a decentralized and uncontrolled system of purchasing supplies is a problem that the levy court of Kent County was wrestling with at the time of the visit of the investigators. Under a law since repealed, it had been permissible for levy court members to order materials to be used on the roads within their districts, and it was also the law that railways should transport

materials for counties and other public corporations at reduced rates. A certain member of the levy court ordered a quantity of stone from a Pennsylvania firm in the name of the county. It was pretty conclusively shown that he ordered the stone for use in his private business, but used the name of the county in order to obtain the reduced freight rate. It also seemed clear that the member was honest and intended to reimburse the county. But he died before he could do so. The Pennsylvania firm preferred a claim against the county for the stone, showing evidence of shipment and delivery. There was, however, no evidence that the stone had been received or used by any one authorized to act for the county and no evidence that it had ever gone on to the roads of the county. Therefore the comptroller refused to approve the claim, holding that the county had not received the stone and was not legally obliged to pay. On the other hand, it was urged in the levy court that whether or not the stone was actually received by the county, the levy court member was fully authorized to act for the county and, if he abused his authority, the county was bound morally to meet the obligation which he had incurred.

Other examples of what may happen under the present loose system of purchasing came to the attention of the investigators. One was a case in which a metropolitan firm through the agency of the official authorized to do the purchasing supplied the county

with many articles at prices higher than they were selling locally at retail. Another was the putting of county property to purely private uses without rendering any compensation therefor.

Recognizing the seriousness of the problems, steps have been taken in all three counties to establish some sort of control over the purchase and use of supplies. Only Sussex County seems to have achieved anything approximating real central control. The law applying to Sussex County apparently requires all purchases of supplies to be authorized by the levy court, and furthermore, it necessitates public bids and the letting of the contract to the lowest bidder in all cases where the cost is to exceed $500, with the single exception of purchases for the construction, repair, and maintenance of highways. Supplies employed for highway purposes are to be purchased by the levy court upon the recommendation of the county engineer. In carrying out the provisions of the law the levy court has evolved a voucher system, which, though somewhat crude, is fairly effective because of the genuine care exercised by the present members of the levy court.

In New Castle County the levy court has made a commendable effort to control supplies through the employment of a man to act as order clerk and bookkeeper for the levy court. Any official purchasing supplies for the county goes to the order clerk and fills out an order sheet, which is then presented to the

levy court. If the levy court approve the order, the order sheet, properly signed, is returned to the order clerk who then issues the voucher. Upon presentation of this voucher with the bill the levy court authorizes payment. It was understood that this procedure applies to all county purchases. If this be true, there is a measure of genuine control in spite of the fact that purchases are actually made by a very large number of different officials. At least there is centralization of records of supply purchases, and this is a thing worth while.

There has been no attempt to control the purchase of supplies in Kent County, except a small order blank prepared by the present comptroller which he insists must accompany the bill before he will approve it. While this must be commended as a manifestation of intent to conserve the interests of the county, candor compels us to state that it is actually of little value as a measure of protection. The very primitive character of the device will be apparent when it is mentioned that the comptroller does not even retain a carbon duplicate of the order blank by which to check the original when it comes in attached to the bill. He seems to think that his signature attached to the order blank is a sufficient guarantee that it cannot be altered to agree with the items of the bill. Furthermore, if the comptroller was not misunderstood, he does not extend this requirement to all county purchases, but principally to those for office supplies.

Several defects in methods of purchasing which are common in all of the counties may now be enumerated. In the first place, because of the scattering of authority to decide what purchases are necessary, when they are necessary and can be most advantageously made, the county loses the advantage of shopping in the most favorable market. Take the matter of office supplies, for example. Under the present system who decides what is needed in the several county offices, and upon what occasions it shall be purchased? Every office acts independently in the matter. The head of a certain office decides that supplies of a given quality and quantity are needed in his office. He complies with the requirements of the levy court or comptroller, as the case may be, by filling out the order sheet. This done, he proceeds to a local merchant or anywhere that he pleases, presents his order sheet and procures his goods. In due time the bill is presented by the merchant with order sheet properly attached: it is perfectly regular and is allowed. Every other officer does likewise. Assume that all of the transactions have been honest (and most of them are above suspicion), still it cannot be denied that large sums might have been saved had there been some authority to require all county officers to submit a record of the supplies used during the preceding year, together with an estimate of the amounts needed for the ensuing year, and then go into the market and buy at one time

all of the articles needed in the county offices. Every one knows how much cheaper it is to buy in large quantities than in small lots, and every one knows how much better bargains can be driven by one in a position to buy in quantity and devoting all of his thought to the subject of advantageous buying. There is not a business firm in the country with purchases as great as those of any one of Delaware's counties, that has not centralized and specialized its buying under a single office or department. Yet county officials refuse to believe this can be accomplished in county government.

In the second place, control over the quantity and quality of supplies purchased is inadequate. Each official is solely responsible for the quantity and quality of supplies used in his office. If he is extravagant there is no check upon him. If he buys imprudently there is no remedy. And worst of all, there is no way of ascertaining whether he is honest, careful, and competent. The order sheet and voucher system used in both New Castle and Sussex Counties does not meet this condition because the approval of the order sheet is bound to be more or less perfunctory. The levy court has neither the authority nor the time to check up expediency of the various items of a large order sheet.

Incidental to this lack of control is complete absence of standardization of supplies. In business organizations such standardization, as far as practicable,

is considered eminently desirable. There is no doubt that it would be worth while in county government if it were possible of attainment.

A third weakness in the present system is that there is no control over the delivery of supplies. They may correspond to the order and they may not. If the official who orders them is zealous in the performance of his duty they probably will, but if he is slack, or indifferent, or corrupt they will not, and there is no way by which the levy court or the comptroller can check on him. No provision is made in either county for certification by the person receiving the goods that they were received in good condition and were in compliance with the order.

The fourth fault of the present system of purchasing is that there is no control of or account rendered for supplies used. Every well-organized business has a supply department which is custodian of all supplies and which makes deliveries to other departments upon proper requisition. The practical difficulties in the way of such administration of supplies are not greater in county government than in private business and the benefits would be even greater, because the temptation to be wasteful is much stronger in public than in private business.

*Recommendations.*

Doubtless it has been observed that the plans suggested for the reorganization of county government

in Delaware have made provision for a central purchasing bureau. Such is the only correct way to handle the purchasing problem. A new and distinct office need not be created for this purpose, although there would be distinct advantages in doing so. But it would be possible, particularly in the less populous counties, to confide this duty to one of the existing offices, preferably one of the financial offices. What is indispensable is a complete centralization of the duty of purchasing supplies with a corresponding centralization of control over supplies in stock. Experience with central purchasing in city government is such as to justify its extension to county government.

*Office Arrangement and Furniture.*

It is futile to say much under this title so long as the archaic organization of the county forbids the reduction of office organization to an efficient plan.

By far the best system of public offices in the state of Delaware is in the city and county building at Wilmington. The furniture is modern and the office arrangement is good. Especially to be commended is the construction of offices on the main floor so that future needs may be accommodated without expensive remodelling. Why it is usually deemed necessary to separate offices in county buildings with imposing walls of plaster and lath is more than the ordinary mind can comprehend. In the New Castle

County building there is also a commendable attempt to group conveniently those offices whose mutual transactions are numerous.

The system of offices in Sussex County is mediocre. Most of the furniture is modern, but the office arrangement is wretched. In remodelling the old building very little thought seems to have been given to convenience and efficiency in the performance of county business. Not only has space been prodigally wasted and improperly distributed, but change is made exceedingly difficult by the massive partitions between the several offices. But even with these handicaps something might be done to improve the present unsatisfactory arrangement.

Of the offices in Kent County, the less said the better. Kent County is constructing a new building which it is hoped will be equipped with the most approved steel files, lockers and shelves for the protection of the almost priceless records, documents, and papers which are so indifferently kept in the present building that their survival is almost a miracle. It is doubtful if the people of Kent County realize what irreparable damage is constantly threatened in the present structure.

*Office Management — Efficiency Methods.*

New Castle County is the most progressive and Kent County is the least progressive in the matter of modern labor-saving devices and methods, but there

is still ample room for progress in all three counties. It is also noteworthy that in all three counties the offices whose duties are court and other legal work are decidedly less responsive to innovation than the purely business offices. In the former group should be included the prothonotary, the register in chancery and clerk of the orphans' court, the register of wills, the recorder of deeds, the sheriff, the coroner, and the clerk of the peace (so far as court work is concerned).

The system prevailing in most of the county offices in Delaware takes one back to the eighteenth century. Methods of indexing, filing, recording, transcribing, docketing are as anachronistic as the quill pen and the sand box. The use of such time and labor saving appliances as the typewriter, the carbon copy process, the rubber stamp, and standardized documentary forms is very rare. Take for instance the recording of documents of title. The laborious, hazardous, and expensive system of copying in longhand is still used, although better, quicker, cheaper, and more accurate work can be done by modern methods. There are two improved systems which could be advantageously substituted for the present one. First, the instruments to be recorded could be standardized, printed with blank spaces left for the names of the parties, the description of the property, the consideration, and other variable language, and then bound up into volumes such as are used at present. To record an instrument it would only be necessary to locate the

correct volume and page and fill in by hand or with book typewriter the blank spaces according to the tenor of the instrument at hand. The second method is the photographic process, which satisfies every requirement of good recording, but might be too expensive for use in the smaller counties. The worth of both of these methods has been proved by practice.

In a similar way the indexing of land title records could be simplified and systematized. The present method is the old duplex plan (the Campbell system), consisting of two sets of books, each containing two volumes for each letter of the alphabet. One of these dual sets contains an index of mortgages (which embraces a complete alphabetical series of volumes) and an index of mortgagees (which embraces the second alphabetical series of the set). The other set contains indices of grantors and grantees according to the same scheme. How infinitely simpler would be a card index system! Different colored cards might be used for the different parties to be indexed, and these cards could be cross-referenced and checked against one another much more easily than the entries in the ponderous volumes. To insure safety lock files could be used, or there could be a duplicate file in the vault and accessible only to bonded employees.

Other offices lag almost as far behind the times as the recorder of deeds. Court dockets and records, for example, are almost invariably entered in longhand. Certified copies and other transcripts are made

in the same way. Standard printed forms and modern copying processes could be employed in the simplification of such work as well as in the recording deeds and mortgages. Likewise, improved systems of indexing and filing are needed in most of these offices.

*Time and Work Requirements.*

The opinion that a county official is elected so that the county may have the benefit of his services and that his salary should be compensation for services actually rendered, is not widely held in Delaware. Service is not a prerequisite of salary. As mentioned elsewhere in this report, no evidence of time spent and service rendered is required as a basis for salary payroll. In fact, the construction often placed upon the law in Delaware seems to be that salary is one of the perquisites of office to which the incumbent is entitled as of right, without rendering any service.

The consequence is that many persons accept county offices with no intention of performing the duties attached thereto. It would be possible, and were it not for the danger of inviting invidious comparisons might be desirable, to name a number of county officers in Delaware to whom county office is nothing more than a cash windfall. They render practically no service, give very little, if any time, and draw all or most of the compensation. There are several cases where the incumbent's official salary is, say, $1,500

or $1,800 a year. He does not care to forsake his farm or business for that sum so he employs a deputy at $600 or $800 a year, continues to devote himself to his private affairs, but pockets the balance of the salary. Time and again in inquiring for the head of an office replies like the following were encountered: "He only comes in when he is needed." "He comes to the office only when court meets." "We see him about once a month." "He is very busy and can't afford to come here much."

Now it is contended that if the work of these offices can be performed satisfactorily by a cheap clerk, there is no need to pay more for it. Let the offices which are not of sufficient importance to demand the whole time of a capable man be consolidated with others and the duties assigned to a clerk. What is the use of the trouble and expense of election to fill a position which will be filled in name only? And why pay two people for the work of one? Furthermore, why should the county pay a man for services not rendered? Why should it pay deputies for him or permit him to pay deputies to do work which he was elected to do?

*The Problem of Personnel.*

The problem of getting and retaining in office or in public employment properly qualified incumbents is especially perplexing in Delaware. Exclusive of common laborers there are not more than 500 persons

(the actual number varies) employed in public service (state, county, and municipal) in Delaware. But this number is distributed among the state, the three counties, and the municipalities, and no one of those political entities has enough employees to warrant maintaining a competitive civil service system. Indeed, when the number of necessarily exempt positions is considered, it is a question whether there would be enough public employees falling in the competitive class to justify the expense of a state civil service system, like that of Massachusetts, applicable to all cities and counties. Nevertheless, a civil service system of this character seems to offer the only solution of Delaware's problem.

There would be great opposition in Delaware to the merit system of civil service in any form, and it is to be feared that a plan which would vest in a state controlled civil service board the authority to establish the standards and prescribe the examinations for county and municipal positions would particularly offend. Nevertheless, the fight should be made, for present conditions are intolerable. Not training, experience, and competence, but campaigning ability and political " pull " are the major qualifications for public service positions in Delaware to-day. The truth of this is conceded by public officials and by enlightened citizens, who are the most relentless critics of their own institutions.

In county government the results are especially un-

happy, and of course, could not be corrected by the merit system so long as a large number of elective positions remain. The only hope lies in a reconstruction of county government along short ballot lines, as recommended above, succeeded by a merit system of the kind here suggested.

# CHAPTER V

## ALMSHOUSES, JAILS, AND WORKHOUSE

In the report on state government in Delaware the necessity for central control and supervision of state institutions and agencies caring for dependents, defectives, and delinquents, and also the advisability of a larger degree of central control over local institutions of the same character were fully discussed. It was pointed out that uniformly high standards will very seldom be maintained in local almshouses and hospitals without at least the stimulus of central inspection and often not without central coercion. The arguments there presented need not be repeated; they are supported with almost unanswerable force by the facts regarding the administration of county welfare institutions in Delaware, which this chapter is designed to bring out. These facts and their significance as to local administrative organization and methods are, therefore, the subject-matter of the present chapter.

### I. New Castle County Almshouse

*Physical Plant.*

Little criticism can be made of the physical plant. It comprises a main building, housing approximately 200

inmates, a detention hospital which provides accommodations for about sixteen patients, and a few outbuildings for various purposes. The farm is small, but all available land is under cultivation and is productive. Buildings and grounds are in excellent condition and well cared for. Housing accommodations are, in general, satisfactory and there is evidence that effort is made to keep the premises in a clean and sanitary condition.

*Care and Records of Inmates.*

As regards the care of inmates, however, the institution leaves much to be desired. The almshouse is under the supervision of a superintendent elected by the trustees of the poor and responsible to that body. Applicants for almshouse care are received without adequate record of the reasons for their dependency and the necessity of almshouse care; inmates are still supported in the idleness which has been the curse and disgrace of almshouse administration for many years; they are fed according to the same meagre and routine dietary of their predecessors for the past century; and they live and die without any more record of their almshouse life than the initial incomplete record of their admission and the perfunctory record of diagnosis of illness and discharge by death or otherwise. In short, there is not a single record available at the almshouse to show in full the reasons for the admission of an inmate and his circumstances on ad-

mission, his employment and the result of such employment, his history of illness and medical and surgical treatment, or other information necessary to determine accurately the efficiency of the institution. In an institution housing 200 or more inmates, some of whom are capable of self-support and others requiring efficient medical care and treatment, the importance of such records is evident.

Applicants are received by the superintendent on the order of a member of the board of trustees. When admitted, a record is made in the almshouse register of the date of admission, name of inmate, name of trustee upon whose order received, age of inmate, nativity, date of discharge, departure or death. Unless the patient is ill this is the only record maintained. If ill, he is placed in the hospital department, where the date of his admission, his name, age, sex, color, religion, occupation, address, friends' or relatives' names, diagnosis, result of treatment and date of discharge are entered in another register. But why he required almshouse care, what his physical condition was on admission, whether or not he was able to work and what kind of work he was able to do, the exact nature of his illness, what was done for him by medical or surgical treatment, what his conduct was while in the institution, and the circumstances of his death and discharge are matters for conjecture only.

*Employment and Discipline of Inmates.*

One of the fundamental principles of good almshouse administration is that no person able to work shall be idle, and yet idleness is the rule rather than the exception in the almshouse. The only way in which ability to work can be determined is by a complete and thorough medical examination on admission. The physician should decide as to the inmate's physical ability and the kind of work he is fitted to do, and the inmate should then be employed so far as possible in some form of useful work. The ingenuity of the superintendent may be taxed to provide work for all able to work, but work should be provided. Once the almshouse becomes known as a place where able-bodied dependents are required to work, the number of inmates will probably be decreased.

The payroll of the institution is low chiefly because many of the employees are inmates who receive small wages varying from $2 to $15 a month. Two of the cooks, the dairyman, the laundryman, the carpenter, the hostler, several of the so-called " assistant-nurses " and the night fireman are inmates. No criticism is made of this procedure, except that in employments requiring considerable physical effort it is proper to inquire why inmates so able to work could not be employed outside and on their own responsibility. Records of the physical and mental status of inmates would certainly be helpful here.

It is apparent from the statement of the superin-

tendent that considerable latitude is allowed inmates in making visits to Wilmington. The superintendent stated that he had taken up his quarters in the end of the building towards the railway station in order that he could watch for those returning from visits to the city and check up the " drunks." If this sort of thing is necessary, then either the whole scheme of county aid should be revised or there should be such records of inmates' conduct as will permit the trustees to adopt the necessary disciplinary procedure.

*Medical Care and Treatment.*

Medical care and treatment are provided by two visiting physicians who act also as coroners' physicians. A visit to the hospital department, however, indicates that the medical care provided is of a very perfunctory nature. Although perhaps one-half of the inmates require daily medical and nursing care, there is not a single trained nurse in the employ of the institution. One male attendant and one domestic nurse are employed, and several so-called " assistant nurses " who are inmates and are paid from $2 to $5 a month. The condition of many of the sick in this institution is pitiable in the extreme and no records are available to show what has been done for them.

The dietary of inmates is meagre and monotonous. They are given meat in the form of a stew once a day, bread and coffee, syrup and occasional vegetables in season. Efficient almshouse administration requires a

scientifically prepared dietary which will not only be nourishing and helpful in building up the health of inmates, but so arranged as not to become monotonous. The remarkable results obtained in certain almshouses, notably the Relief Home in San Francisco, through a scientifically prepared diet warrant the adoption of similar procedure elsewhere. The report of the trustees for 1917–18 shows that subsistence for inmates costs only 26 cents per diem per inmate. This is an extremely low cost in these days of high food prices and indicates to some degree the policy of the institution in feeding inmates.

*Segregation of Inmates.*

Another serious criticism of the institution is that there is no segregation of inmates according to age, mentality, habits or conduct. Among the adult male negroes, for example, were found a number of small children, unattended, unprotected and uninstructed. The lack of adequate facilities in Delaware for the care of dependent children is conceded, but to permit these children to roam at will among the sick and among the sometimes vicious, immoral male adults, is decidedly wrong.

*The Almshouse and Politics.*

The method of almshouse administration by a board of trustees located in the various hundreds of the county and the admission of inmates on the sole

authorization of the members of the board permits a looseness of administrative control which is certain to result in inefficiency. This system permits the filling up of the almshouse without due regard for the protection of county funds. There is some evidence for the conclusion that the almshouse is regarded as a political asset and is used for the payment of political pledges. The experience of the investigator on a visit to the almshouse is illuminating on this point. On his arrival at the almshouse he found the corridor crowded with about thirty or more male visitors. Inquiry disclosed the fact that the day being the monthly meeting day for trustees, they and their friends, contractors with the trustees and municipal and county officials, had come to the almshouse for the monthly almshouse dinner which is provided at the expense of the county. One of the visitors informed the investigator that this particular meeting was of especial interest because election was impending and it was important that "things," presumably contracts, be "fixed up." A dinner was served as is usual at these monthly meetings which, on the basis of present food prices, must have cost the county about $100, and after the dinner cigars were passed around to all. The superintendent stated that formerly champagne was served at these entertainments, but this has been discontinued. As this feature of almshouse entertainment is a monthly affair, the yearly cost, if it could be discovered, would probably be found to be in the neighborhood of $1,000.

*Recommendations.*

Efficient almshouse administration does not require the interposition of the board of trustees between the superintendent and the levy court. Given a competent superintendent, selected because of training and experience in institutional management, his responsibilities should be directly to the levy court. Such an almshouse superintendent should act also as county superintendent of the poor and all responsibility for poor relief should be vested in him. An advisory council made up of representatives from the various hundreds should assist him in determining the validity of claims for poor relief.

One of the first things to be done at the almshouse is to provide a more adequate nursing service for sick patients. If possible, also a medical interne should be employed to act under the supervision of the visiting physician. A record system should also be developed with an individual record card or history of each patient. Thorough physical and mental examination of all patients should be made on their admission and all facts as to their condition entered upon the record. Subsequent records should be made of medical care and treatment, habits, conduct, employment, manner and circumstances of discharge, etc. A dietitian should also be engaged to supervise the purchase and preparation of food so as to provide a suitable as well as economical dietary. Employment of a nature suited to physical and mental ability of inmates should

be required in all possible cases. Segregation of inmates according to age, physical and mental states and habits should be insisted upon, and the use of the almshouse as an asylum for children should be discontinued immediately. There is every possibility at this institution of making it a model of almshouse administration, provided well-recognized principles of institutional management are followed.

It is not apparent from the reports of trustees of the poor that its administration of the almshouse has been extravagant in the use of funds on the basis of present methods of administration, except perhaps in giving monthly entertainment to visitors and contractors, but economy of expenditures without adequate service is in fact extravagant. For the money now spent in the operation of the almshouse, it is believed far more service should be given the community. The total expenditure of the trustees for the year ending June 30, 1918, was $59,219.59, of which $7,674.34 was for outside relief, and $51,545.25 for almshouse service. A total of $1,845.01 was returned to the levy court by the trustees, of which $714.00 was received from paying inmates (pensioners, etc., who pay for maintenance up to $12 a month), and $1,131.01 from the sale of farm products. Any reduction in the cost of operating this institution depends largely upon the reduction of the number of inmates and this in turn is dependent upon thorough and complete investigation in all cases where admission to the almshouse is

sought. It would be an economy for the county to employ a trained investigator to coöperate with the members of the proposed advisory board in the various hundreds and to make inquiry into all cases requiring poor relief. When recommendation for admission to the almshouse is made by a member of the advisory board the report of this investigator on the case should be provided for review by the superintendent of the almshouse. The superintendent should, however, be the court of last resort as regards admissions to the almshouse if the proposed plan of creating the office of county superintendent of the poor is adopted.

## II. Kent County Almshouse

*Physical Plant.*

The Kent County Almshouse is located on an excellent farm of about 300 acres near Wyoming. The plant comprises a well-constructed brick building for about thirty white inmates, a very dilapidated old brick building housing about sixteen colored inmates, the superintendent's cottage, an old brick building formerly used for inmates, but now used as a storehouse, two tenant cottages for the farmers, and minor out-buildings.

As regards the physical plant, the chief criticism to be made is of the quarters for colored people. This old building needs complete renovation if its use is to

be continued. Rooms are dark and badly ventilated and provide, in fact, little more than a shelter. It is heated by stoves and in cold weather failure of adequate open-air ventilation, which colored inmates will not permit, must make conditions extremely unpleasant as well as unhealthful. The superintendent has apparently made an effort to make the best of a bad bargain by keeping the premises as clean as possible, but at best this building is a very poor place to house the colored inmates. There is a great deal of wasted space in this building owing to the fact that there are on the ground floor several cells formerly used for insane inmates, but now used only for storage of old bedding, furniture, and junk of all kinds. It is suggested that the overcrowding and promiscuity of the sexes in this building be relieved by tearing down these old cells and providing more room for inmates.

The quarters for white inmates are very satisfactory, and although the visit of the investigator was unexpected the building was found scrupulously clean and orderly. Rooms are well lighted, well ventilated, and quite well furnished. In fact, the care of white inmates is to be highly commended.

*Records of Inmates.*

As in New Castle County, however, the records of inmates are very unsatisfactory. A large register is kept which shows merely the essential facts as to name, age, sex, color, former residence, and occupa-

tion, nativity, etc. No information is given as to the physical and mental condition of the inmate on admission, his subsequent illnesses, habits, conduct, etc. The same recommendations relative to the keeping of more adequate records of inmates apply here as in the New Castle County Almshouse.

*Medical Care of Inmates.*

Medical service is provided by a visiting physician who comes once a week and oftener, if necessary. This is perhaps sufficient for the purpose, since the matron and her assistant have apparently a broad human sympathy as well as aptitude in practical nursing.

At the time of the investigator's visit, two children suffering from an apparent physical defect said to be due to disease of the nervous system were living in the almshouse. Although the matron was endeavoring to provide motherly care of these children, she deplored the necessity of keeping them because of their contact with the sick and mentally deteriorating adults. There was also one insane woman who was living in a private room with her husband. None of these persons should have been in the almshouse under any circumstances, and immediate steps should be taken to provide for them elsewhere.

The limited number of inmates in this institution makes the problem of dietary a relatively easy one and inmates receive a varied, and, on the whole, sat-

isfactory diet. The large amount of farm produce raised, makes it possible to provide them with a sufficient amount of fresh fruits and vegetables in season.

*Employment of Inmates.*

All male inmates whom the superintendent considers able to work are employed on the farm or in housework and the report of the trustees shows that women inmates have been employed in making dresses, aprons, towels, etc., for domestic use. The number of apparently able-bodied is, however, very small and there is relatively less apparent idleness than at the New Castle County Almshouse.

The institution is largely self-supporting. Out of a total expenditure for almshouse and farm operation of $13,161.91, $6,017.83 was received from the sale of farm products, chiefly corn and wheat. The estimated total value of all products of the farm was $15,699.82, those products not sold being used for inmates or kept in storage. This farm should be absolutely self-supporting and, in fact, could be so administered as to return a revenue to the county.

*Recommendations.*

On the whole, the administration of this institution is to be commended. Much is being done well under somewhat adverse conditions. Proper alterations and repairs to the quarters for colored people so that there

will be less intermingling of the sexes and more healthful living conditions, the removal from the almshouse of children and the one insane woman, and the establishment of more satisfactory records of the care and treatment of inmates will do much to increase the efficiency of the institution. Finally, the policy of making this institution absolutely self-supporting should be adopted. This can be accomplished with very slight addition to the present working force.

## III. Sussex County Almshouse

*Physical Plant.*

The almshouse plant comprises a collection of unsightly buildings on a farm of about 316 acres, two miles from Georgetown and on the DuPont Highway. The DuPont Highway runs past the rear of the almshouse property and the commonly used entrance is a roadway in very bad condition running for about an eighth of a mile between rows of dilapidated stable and out-buildings. The first impression received by the visitor is, therefore, a very bad one.

These out-buildings, of which there are about a dozen, are in all stages of disrepair, some being about to crumble into decay, others in but little better condition. Farm machinery and equipment is stored in these old buildings, exposed to rain and weather, and as a result most of the farm machinery is badly rusted.

The main buildings of the plant comprise the superintendent's residence, a two-story cook house and dining room the second story of which is unoccupied, a two-story building used as living quarters for white and colored men and colored women, and another two-story building used as living quarters for white women. In addition, there is a two-story building formerly used for insane patients and as an infirmary, but now unused except for storage of vegetables.

There is evidence throughout the living quarters of patients that little attention is given to the comfort and care of inmates and that cleanliness is ignored. The living quarters of inmates are unclean and beds and bedding are filthy beyond description. Flies are in abundance throughout, and apparently no attempt is made to exclude them.

*Care and Registration of Inmates.*

There is no proper segregation of inmates — white from colored — and the sick and mentally defective from the well and mentally sound. At the time of the visit, white and colored women mingled freely with white and colored men, and there were obviously several mentally defective inmates whose segregation from others should have at least been attempted. One blind, mentally defective boy was found groveling on a filthy floor, his only attendants being old and mentally feeble women.

Medical care is provided by a physician who visits

the institution once a week. No criticism is made of his service, but at least one inmate requires more adequate medical and nursing care — an aged bed-ridden woman, both of whose eyes have been destroyed and are now merely ulcerating cavities. Her sole attendant at the time of visit was a mentally defective inmate.

Effort was made to find the register of inmates, but it could not be found. At the time of the investigator's visit the superintendent and matron had gone to Georgetown to a circus and had left an aged woman relative in charge of the institution.

*Inmate Welfare vs. Financial Profit.*

There is apparent throughout this institution a complete lack of responsibility on the part of the superintendent for the care of inmates. Apparently they come and go as they choose, mingle freely throughout the building without restraint, and idleness is the rule rather than the exception. The institution has evidently been conducted by the trustees as a revenue-producing enterprise rather than as an institution for the care of dependents. Farm operations have been productive and profitable according to the report of the trustees of the poor. It is quite proper and desirable that an institution of this kind shall be self-supporting, but when it is self-supporting at the expense of the comfort and welfare of inmates it deserves no commendation certainly. The first consideration should be the welfare of patients.

The report of the trustees for the year ending March 31, 1918, shows an excellent financial condition, total receipts amounting to $10,911.06 and disbursement $6,653.74, leaving a credit balance of $4,257.32. Of the receipts $2,679.66 was derived from the sale of farm products. The board of trustees calls attention to the unsanitary, improper conditions at the farm, but seems loathe to take any of the necessary steps to correct it.

*Recommendations.*

The needed improvements to buildings will, of course, involve considerable expense, but much can be done for a very small outlay. The first and most important thing needed is a superintendent who knows something about institutional management and the care of inmates. There should be also a competent matron who can see that the same principles of cleanliness and order are applied in the institution as would be applied in a private home.

Once a competent superintendent and matron are secured, attention should be given to providing better accommodations for the sick and for more complete segregation of the sexes. The building formerly used as an insane pavilion could be easily remodelled and used for inmates, and the second floor of the cook house could also be utilized.

The need for proper toilet and bathing facilities as well as more adequate fire protection should be empha-

sized. Repair of buildings and better care of farm machinery and equipment are necessary. But above all, it is urged that immediate steps be taken to make the institution a decent place for the aged and infirm people. If this can be done and the institution still made self-supporting, well and good, but if farm profits must be sacrificed to the welfare of patients the levy court is justified in demanding such sacrifice.

### IV. Sussex County Jail and Workhouse

*Physical Plant.*

The county jail is a two-story brick building, the front part of which is occupied as residence of sheriff and the rear as the jail. At the rear of the building there is a small prison yard enclosed with high walls —about sixty feet square—this being used as an exercise yard.

In the rear part of the building, which is used for prisoners, there is one room about twenty feet square used as a cell. At the time of visit this was occupied by three male prisoners, two of whom were colored. On the second floor, in the rear, were two separate steel cages for prisoners, there being two cells in each cage and the cells of each cage freely communicating by a short corridor in front. Each cell is equipped with two bunks. At the time of visit only one cage was occupied, there being two white and two colored prisoners confined in this cage, but allowed to mingle freely through the corridor of the cage.

In the rear on the second floor, and reached by a separate outside stairway, there is a small room about 8 x 12 feet in size, which is used for women. The cell was not occupied at the time of visit and was undergoing repairs. The outside stairway was very steep, unprotected by handrails, and very dilapidated. The sheriff stated that it was intended to put this stairway in proper condition.

The general appearance of the jail is quite satisfactory. Walls and floors are clean and frequently whitewashed. There was no evidence of vermin. The chief criticism to be made is the lack of proper toilet facilities. Provision should also be made for the employment of prisoners so that they should be kept busy instead of left in their cells in idleness.

## V. Kent County Jail and Workhouse

*Physical Plant.*

The jail, which is in the rear of the sheriff's residence, comprises a single large room with two tiers of ten cells each, the second tier being reached by a stairway from the ground floor. The cells are large and provided with adequate toilet facilities, but at the time of visit the cells were extremely dirty and disordered. Three cells on the second tier have been enclosed in a wire cage so that female prisoners may be segregated. This cage has been broken, however, so that segregation of women is actually impossible.

*Promiscuous Mingling of Prisoners.*

At the time of visit there were eleven prisoners in the jail, three of whom were colored women. The women were mingling freely with the men in the corridor and as there was no one on duty to observe what happened, immoral acts on the part of prisoners were possible. One of the prisoners was a young colored girl about fourteen years of age, who had been found wandering about near the railroad station. She mingled freely with the men who were roaming about the corridor and when the investigator entered was engaged in conversation with one of the male prisoners.

*Recommendations.*

The lack of supervision over prisoners, the promiscuous relations of the sexes, and the filthy condition of cells, merits the prompt consideration of those responsible for the conduct of the jail. The wife of the sheriff, who assumes responsibility for the jail in the absence of the sheriff, should not be required to enter the jail under any circumstances. The deputy sheriff, who apparently has little to do, stated that he had nothing to do with the conduct of the jail, and so never entered it.

VI. New Castle County Jail and Workhouse

*Physical Plant.*

This institution, which is supported chiefly by New Castle County, is both a county jail and a state prison.

Prisoners are received from Kent and Sussex Counties, and are paid for by those counties at forty cents per diem for each prisoner. The institution, which is under the direct supervision of a warden appointed by the board of trustees, is in many respects an excellent one. Throughout the institution there is a cleanliness and order which are very commendable. The cell capacity is 350, but as the number of prisoners is somewhat higher than this usually, it is necessary at times to put two in a single cell, a most undesirable procedure.

The cells, which are arranged in tiers, are of steel and all were clean and in good order at the time of visit. Each cell is provided with a flush toilet and a bunk. There is a ventilator above each toilet through which foul air is drawn by means of exhaust fans, and so far as could be observed, the ventilators operate satisfactorily and prevent any nuisance arising from toilets. The corridors and floors of the cells are concrete and are washed down frequently by the prisoners. There were no evidences of vermin.

*Prison Farm.*

In addition to the workhouse farm, which comprises 150 acres, the board of trustees has recently purchased a farm of 326 acres, which is about three miles from the jail. This farm is a very considerable asset to the county and is now being developed by the board of trustees. A model dairy has already been

established and stock with blooded Guernsey cattle. The milk from this dairy is shipped to Philadelphia. Adjacent to the dairy barn a fine concrete milk house fitted with all of the most improved facilities for the cleanly handling of milk has been built. A bunk house of concrete for prisoners employed on the farm has been built also on the property near the dairy. The bunk house provides accommodations for about forty trusties, and is provided with sleeping quarters, dining and recreation room, kitchen, storerooms, etc. It is in every respect a model structure.

*Discipline of Prisoners.*

The discipline of the prison is entirely in the hands of the warden. The rules are few, but enforced rigidly. The warden, who has had considerable experience in prison administration, believes that all authority for discipline and prison conduct should be in the hands of the warden, and the trustees have not fostered any self-government plan for prisoners. The fact that many of these prisoners are under short-term sentences of a few days or months, makes any self-government plan well-nigh impossible, and it is still a mooted question whether or not such plan is under any circumstances superior to government by a strong, fair-minded warden.

The time allowed for this survey did not permit a careful analysis of disciplinary measures, but some comment is justified. Punishment for infraction of

rules sometimes consists in the handcuffing of the prisoner to the bars of the cage about the cells. It has been charged that this is a particularly cruel punishment, but as a matter of fact, it is not, for the handcuffs are placed about the level of the prisoner's breast. Another form of punishment is confinement in a bare cell on bread and water diet. The warden states that this rarely lasts for more than forty-eight hours, because the men express contriteness before that time. Prisoners are, of course, deprived of social privileges for minor infractions of rules, but the penalties inflicted are not oppressive. Corporal punishment is not inflicted except as ordered by the court, and then the whipping-post, for which Delaware is notorious, is called into play. The warden states that it is rare that any prisoner whipped is badly injured. Enough has been said and written about the whipping-post to make further comment unnecessary.

*Indeterminate Sentence Advised.*

Sentences are of fixed duration, except that there is some reduction for good behavior, namely, five days a month in the first year, seven days in the second year, nine days in the third year, and ten days in the fourth and subsequent years. There is no parole system. The excellence of the plan of indeterminate sentences combined with judicious use of the parole system has been so clearly demonstrated in this country that the general assembly should not delay enacting legislation establishing it in Delaware.

*Employment of Prisoners.*

Prisoners are employed on the farm, in kitchens, storerooms and other service departments where skilled workers are not required. Short-term men are utilized in these services as far as possible—a few men, fifteen to twenty, were employed on construction with the Wilmington Gas Company. Long-term men are employed on pants-making in a large room equipped with power sewing-machines. Approximately 250 men were employed on this work at the time of visit. There were also thirty to thirty-five men employed on construction work on the Lincoln Highway.

The pants-making contract, which utilizes the services of about 250 men, merits consideration. This is a very profitable contract and it was chiefly from the profits of this contract that the new farm of 326 acres was purchased and developed at a cost of over $65,000. The actual cost of conducting the institution is invariably higher than the amount received from the various counties for the maintenance of prisoners and it is through this contract also, which amounted to over $42,000 in 1917, that the deficit is made up.

Under the law bonuses are paid to prisoners for efficient work. These bonuses go to the families of prisoners or are disposed of as they wish under proper restrictions and any balance remaining is handed over to them on their discharge. On pants contract work men receive 55 cents per dozen pairs

over a certain task handicap. On outside work a flat rate of 50 cents per day is allowed.

The fact that this pants-making business has proved so profitable and has resulted in the acquirement by the institution of an excellent farm, helped in paying off its bonded indebtedness, provided a source of income for prisoners and given the institution a comfortable bank balance ($24,029.58 in 1917) tends to disarm criticism. But from the standpoint of the prisoner's welfare, employment of this kind leaves much to be desired. Men learn pants-making, it is true, but few become tailors on leaving the institution. The vocational training value of such employment is therefore negligible. Furthermore, under this system of employment men are deprived of an opportunity to acquire and maintain physical health and strength. The work is monotonous and confining, and is comparable to the sweat-shop work of the large cities. From the standpoint of public policy, as well as the welfare of prisoners, this system should be made the subject of special inquiry in any reorganization of prison administration which may be undertaken. The one commendable feature of the work is that it is profitable to the institution.

*Prisoners Might Be Employed on Roads.*

Road construction work, which is excellent work for prisoners, has not been developed extensively although the trustees favor such employment and the county

engineer has coöperated with the trustees in employing a few men in making repairs to county roads. The county engineer finds the work of prisoners satisfactory and economical, but the general sentiment of county officials is against such work. If, as recommended, the New Castle County Workhouse is placed under state control as the state prison, a system of convict employment on road work throughout the state could be developed.

*Medical Care and Treatment.*

Medical care and treatment is in general very satisfactory. The prison physician attends the institution daily and examines new prisoners, entering the facts as to their physical and mental status on a card record. Treatment is given as required. Prisoners suffering with communicable disease are isolated, a special ward properly equipped being provided for tuberculosis prisoners, both male and female. All prisoners reporting sick are examined daily by the physician and furnished the necessary medicine or other treatment.

*Records of Prisoners.*

The general records of prisoners are well devised and well kept. Each prisoner has a card on which is entered all the facts as to admission and the necessary identification data. The card includes also the term of his sentence, former convictions, conduct record, and space for special memoranda.

*Financial Condition.*

The institution is in excellent financial condition. There is approximately $120,000 due on the bonded indebtedness of the institution, bonds maturing in 1925 and 1930. No sinking fund is provided, but payments are made yearly by the trustees from the profits of the institution. In 1917 receipts of the institution from all sources were $134,285.26. This, plus the bank balance at the end of 1916, gave a total of $165,129.87. Disbursements for maintenance, redeeming bonds, live-stock, farm improvements, etc. amounted to $141,100.29, leaving a credit balance at the end of 1917 of $24,029.58.

On the whole, this institution should be highly commended, not only as regards business management, but also as regards the management and treatment of prisoners.

# CHAPTER VI

## COUNTY HIGHWAY ADMINISTRATION

WHAT part should the county play in the development and administration of the public highways of the state? The answer to the foregoing question involves two distinct inquiries; namely, what is the present rôle of the county in highway matters? and, what principles should decide the relation of the county to the state in such matters? The first inquiry requires a description of the powers, organization, and activities of county highway administration as now constituted in Delaware, and the second calls for a consideration of the fundamentals of the state highway problem.

### I. ADMINISTRATION OF COUNTY ROADS — SUSSEX COUNTY

The administration of public roads in Sussex County is under the jurisdiction of the levy court which appoints a county engineer for a term of four years. The county engineer is responsible for planning and directing all work on county roads and bridges. The organization of the county engineer's office includes the position of assistant engineer, which was unfilled at the time the inspection of the

office was made and a clerk also is concerned with carrying on miscellaneous work.

In addition, the county engineer appoints each year not more than two supervisors from each of the ten representative districts into which the county is divided. At the time the inspection was made there were sixteen of these positions filled. The supervisors are responsible for carrying out under the direction of the county engineer all maintenance and improvement work on roads and bridges within the county. They are paid a per diem wage and are authorized to employ such assistants and to hire such teams as are required in the prosecution of the work.

*County Road Equipment.*

Required equipment for road work is purchased by the county and its cost assessed against the representative districts in which it is used. This equipment is distributed at various points within the county according to the demand for its use. The provisions made for storing it during periods of non-use are fairly adequate. There is, however, practically no control over its repair and maintenance.

*Planning and Control over Work.*

Road improvement work in Sussex County is classified by statute as follows:

1. General repair and maintenance of roads and bridges.
2. Special or permanent improvement of roads.

Work included under class one is paid for out of funds made available to each representative district from taxes levied within the district. These funds must be spent within the district in which they are collected. Work included under class two is paid for out of funds provided by special appropriations, tax levy or bond issues.

At the time the inquiry on which this report is based was made the road work within the county included only routine repair and maintenance.

It is the duty of the county engineer to prepare each year for submission to the levy court estimates of work required under each of the above classes. In respect to work included under class two, this includes the preparation of detailed plans and specifications for improvements of a permanent character in order that such work may be done by contract if desired.

This procedure is not being followed at present nor does it appear to have been followed in the past except during 1917. That year the then county engineer carried on a considerable amount of survey work and made preliminary plans for a system of county roads. Since that time no further action has been taken to continue the work started or to initiate work of a similar character. In other words, with the exception noted, road work in Sussex County has been carried on without any well-defined plan.

Furthermore, while the county engineer is vested by law with responsibility for the direction of all road

work within the county, yet his actual control over the work is far more nominal than real. This is due in part to the lack of any reliable or complete records in the county engineer's office relative to the roads and bridges under his jurisdiction, and in part to the lack of any adequate system of assigning or reporting on work. The only reports received in the county engineer's office from the supervisors are daily reports giving data in respect to time of men and means employed and meagre information concerning the character of work done and its location. Hence, the control of work in the field by the county engineer depends in large measure on his familiarity with and personal direction of it.

## II. Administration of County Roads — Kent County

The administration of county roads in Kent County is under the jurisdiction of the levy court of that county. The law provides for the appointment by the levy court of a county road engineer who is responsible for supervising all work incidental to the repair and improvement of roads and bridges within the county, and who reports directly to that body. At the time the inquiry on which this report is based was made, the position of county road engineer was not filled. Hence, the entire responsibility for directing road work in the various administrative districts of

the county devolves upon the individual members of the levy court representing those districts.

The actual work on the roads is carried on under the supervision of road supervisors, two from each representative district being appointed for a period of one year by the levy court. These supervisors are authorized to employ such labor and teams as are required in the prosecution of their work. They are required to submit daily reports to the levy court on which are shown a time record of labor and teams employed, together with expense involved, and brief notes in respect to location and character of work done. These constitute the only record of work done on the roads.

It will thus be seen that road work is not carried on in accordance with any well-defined policy or plan, and furthermore, the only control over road work is such a personal one as may be exercised by the various members of the levy court in directing the road supervisors in their respective districts.

*County Road Equipment.*

The county owns miscellaneous road equipment which is distributed at various points within the county according to the need for its use. Additional equipment is purchased by the levy court as required. There is practically no control over the use of road equipment, and facilities provided for its storage and protection during periods of non-use are entirely inadequate.

*Maintenance of Permanent Roads.*

The law provides for the appointment by the county road engineer of a force to maintain so-called permanently improved roads after their completion. There are no county roads in Kent County that could be included under such a classification and no appointment of the above character had been made at the time conditions were studied.

## III. Administration of County Roads — New Castle County

Responsibility for the general administration of county roads in New Castle County is vested in the levy court as is the case in the counties of Kent and Sussex. The character of the road problem in the former, however, and the organization concerned with responsibility for directing and supervising road work, differs somewhat from those in the counties previously discussed.

The law requires that the levy court shall appoint a county road engineer for a term of four years. No special requirements are stipulated for the position, other than that the incumbent shall be a civil engineer and competent. The county road engineer is responsible for directing and supervising the repair and improvement of all roads and bridges within the county, also for recommending to the levy court the character and extent of improvements necessary with estimates

of their cost and to keep that body advised concerning progress and cost of improvements authorized by it.

There is also established, the position of New Castle County state highway commissioner, appointed by the governor for a term of four years at a salary of $1,000. According to the provisions of the act the duties of this position are in part to " investigate and consider the best and most practical methods of construction and maintenance of highways and . . . prepare suitable maps and plans which shall be clearly drawn from the various routes he recommends."

It will thus be seen that the two positions noted, both of which are established by law, show a distinct overlapping in respect both to jurisdiction and duties. It is true that provision is made for both positions to be held by a single incumbent and that policy is in force at present, but the conditions that require such an arrangement are obviously illogical and should not be allowed to continue.

*Scope of Work of County Road Engineer.*

The work carried on under the direction of the county road engineer may be classified as follows:

General repair and maintenance of county roads and bridges.

Maintenance and resurfacing of macadam roads.

Construction of so-called permanent roads.

*General Road Work.*

The general repair and maintenance of county dirt roads and bridges is carried on by road supervisors under the direction of the county road engineer. The road supervisors are appointed by the levy court for a period of one year, the law providing that one supervisor shall be appointed in each hundred of New Castle County. At the time the study on which this report is based was made there were ten supervisors engaged on this class of work.

While the law provides that the work of the road supervisors shall be carried on under the direction of the county road engineer, the latter official has practically no control over the work aside from occasional personal contact with it. The only reports submitted by the road supervisors are weekly time reports which serve as a basis for preparing the payrolls. Furthermore, there are no records in the office of the county road engineer giving information in respect to the cost of maintaining the various county roads and bridges.

*Care of Macadam Roads.*

There are approximately two hundred miles of waterbound macadam roads with an oil surface-coat in New Castle County. The maintenance of these roads is carried on in part by five floating repair gangs under road supervisors and in part by contract. There is no routine maintenance of the macadam roads. The contract work is limited to periodic re-

surfacing, about ninety miles of road being under contract during the present year 1918. There are no detailed records kept of the cost of maintaining macadam roads, and hence there are no reliable cost data on that phase of the work.

The practice of maintaining roads by contract is a questionable one, and in the case of New Castle County the entire procedure both in the matter of awarding the contract and the control exercised over its enforcement is open to serious criticism. As the general subject of road maintenance is considered elsewhere in this report in its relation to the broad question of state policy as affecting the administration of roads, no further comment will be made concerning it at this point.

*Permanent Road Construction.*

In connection with the permanent improvement of roads in New Castle County, the county road engineer is required to prepare estimates together with detailed plans and specifications for the proposed work for submission to the levy court. Upon approval by that body the contract is duly advertised, bids are opened in public, and the contract is awarded to the lowest responsible bidder. The entire procedure followed in the matter of advertising and awarding contracts is somewhat loose and not in accordance with the best modern practice. This criticism applies particularly to the form of contract and specifications. For ex-

ample, the present requirements as to bidding are not sufficiently definite to insure receiving comparable estimates of an equitable awarding of the contract and tends to open the field to irresponsible contractors. Furthermore, the specifications employed for other than work on the Lincoln Highway require revision in many particulars in order to make them conform with established good practice.

Forms of contracts and contract procedure together with requirements for construction materials on road work are so well standardized to-day, that no community need operate under loosely drawn or obsolete instruments of this character.

*Scope of Construction Work.*

Work involving the permanent improvement of county roads under way at the time the study of the county road engineer's department was made included the construction of approximately five and three-quarters miles of Warrenite pavement at a contract price of $230,017. It is also stated that approximately five miles additional permanent construction of various types has been authorized at an estimated cost of $220,000. Funds for this work were provided from a bond issue of $500,000 authorized during 1917. Provision was made by an act of the state legislature, chapter 102, laws of Delaware, 1917, that the execution of this work including plans, specifications, contracts, and performance of contracts shall be subject

to the joint approval of the levy court of New Castle County, the New Castle County highway commissioner, and the chief engineer of the state highway department, the latter acting as consulting engineer. Under a requirement of the law, the county road engineer appoints supervisors on a per diem basis for the section of work included under each contract. These supervisors are in general charge of the section of work to which they are detailed, under the supervision of the county road engineer. They are virtually inspectors. They are required to submit daily reports on a prescribed form giving certain significant information in respect to progress of work, materials used, etc., in addition to a time record. No cost data on construction work are prepared in the county road engineer's office. A copy of the daily progress report is sent to the chief engineer of the state highway department. The latter official exercises a measure of control over this work by means of periodic inspections, conference with the county road engineer, and in some cases by the assignment of inspectors from the state highway department. However, his authority is limited, its effectiveness being largely dependent upon the willingness of the county road engineer to coöperate with him. Present conditions in this respect are satisfactory.

## IV. The Road Problem in Delaware

That an adequate state highway system suitably improved and maintained is an economic necessity requires no proof in these days. And probably the main principles involved in the development and administration of such a system of roads are also above controversy. They may be summarized as follows:

1. The improvement of roads in accordance with a well-defined plan and program so conceived as to secure a properly coördinated and articulated system.
2. Centralization of responsibility for the construction and maintenance of roads and bridges accompanied by the institution of adequate methods of administrative control over such work.
3. Effective regulation of and control over the use of highways by the public.
4. The provision of funds sufficient for the improvement and maintenance of all roads.

There are approximately 4,000 miles of public roads in Delaware under either state or county administration. Of this aggregate mileage all but about 270 miles, 7 per cent of the total, are unimproved dirt roads under county administration. Of the improved roads thirty-six miles only are under state administration and these, plus seven miles in New Castle County, compose the total mileage constructed on a

permanent foundation of concrete or other material. The remainder of the improved roads (10 miles in Sussex County, 20 miles in Kent County, and 200 miles in New Castle County) are of waterbound or gravel macadam, slag, and shell construction.

These roads (they do not constitute a system) have not been laid out and improved according to a comprehensive plan. There has been no exhaustive study of the problem of community needs as a whole in the matter of road improvement. On the contrary, road work has been authorized and funds have been made available and have been distributed in accordance with the views of the members of the three levy courts; and the result has been that there has been much ill-advised expenditure on unimportant roads while principal arterial thoroughfares have been allowed to deteriorate through lack of funds to keep them in good state. Road improvement, according to an all-embracing plan for the whole state, would practically cure these unfortunate conditions and would prevent their recurrence. After careful study of the economic and engineering problems involved, the main arteries of traffic would be designated and their improvement and maintenance would take precedence. Then the laterals would be classified for such treatment as might be necessary to correlate them with the principal lines.

In the matter of the repair and maintenance of existing roads, similar circumstances have militated against systematic up-keep; and the certain conse-

quence is that many of the most important county roads are always in a serious state of disrepair and in some seasons practically impassable. Parsimony cannot be cited as a cause of this condition, nor for the neglect to improve arterial roads mentioned in the preceding paragraph. Figures gathered from official records in each county show that during the past three years the expenditures for road purposes have totaled $225,450 for Kent County, $297,500 for Sussex County, and $814,100[1] for New Castle County, making an aggregate of $1,337,050 for the entire state. The disparity between the results achieved by these outlays and the results which, in the judgment of competent highway engineers, they should have produced is in itself a sufficient indictment of the present system of highway administration in Delaware.

The main obstacle in the way of carrying out a comprehensive policy of road development is the large powers enjoyed by the levy courts. It has been pointed out that the planning of road improvement and the subsequent prosecution of the work involves the study of economic and engineering problems requiring judgments based upon broad knowledge and experience; and when discretion of this character is delegated to several independent and coördinate bodies composed of rural politicians of small training and only local experience the consequences are invariably

[1] This figure does not include an expenditure of about $454,000 from a bond issue of $500,000 authorized in 1917.

disastrous. Responsibility for planning and executing state highway policy must be centered in a non-political body of state-wide authority and assisted by a staff of experts; and the county authorities should be restricted to a subordinate sphere. Many authorities on highway administration advocate a plan of division of powers between state and counties, which it is thought could be readily applied in Delaware. All of the highways of the state would be classified into three categories: the primary system, which would embrace the principal arterial thoroughfares; the secondary system, which would include the most important feeders of the primary system; and the tertiary system, which would comprise the less important laterals. The primary and secondary systems would contain about 20 per cent of the road mileage of the state and would be composed of improved roads built and maintained under the direction and supervision of the state highway department, while the tertiary system would consist of dirt roads and would be under the jurisdiction of the counties.

To effectuate the policy recommended above would require a thorough overhauling of the existing law on the subject of roads and bridges and possibly would necessitate the formulation of a new highway code, which is sorely needed. Present financial arrangements would need to be radically revised. It is not the purpose of this report to lay down a plan for financing road construction, because there are in

existence several adequate treatises on that subject. It may not be amiss, however, to call attention to some of the difficulties which will surely crop up if the attempt is made to readjust the relations of county and state along the lines previously discussed. The apportionment of expenses between the state and the counties will obviously be a serious problem. The counties will feel that the state should assume a larger proportion of the burden, if not the entire burden, of permanent improvements. No recommendation is made in regard to this matter but attention is directed to plans which prevail in other states. In Massachusetts 75 per cent of the cost of improving state highways is borne by the state and 25 per cent by the county in which the section of improved road is located; in Illinois the state pays 50 per cent and the county 50 per cent; in New York the construction cost of state highways is borne entirely by the state. Precedent for similar arrangements is found in the very limited state aid for road improvements now granted in Delaware. The amount is $10,000 a year to each county except New Castle County, which benefits by the fifty-fifty arrangement of chapter 55, section 29 of the Revised Code as amended. If the three-system plan outlined in the preceding paragraph should be adopted, it is suggested that the primary system should be entirely financed by the state; that the secondary system be built by the state, but that the counties should pay part of the cost of con-

struction and all of the cost of maintenance; that the tertiary system should be entirely financed by the counties.

## V. Necessary Changes in County Organization

In order to carry out these recommendations the functions of county road engineer would have to be considerably modified. No change in method of appointment is suggested unless the counties should adopt the manager system outlined above. But it is urged that the tenure of the engineer be made more secure, that the qualifications be increased, that the compensation be made commensurate with the importance of the work and that the position be entirely removed from politics. Since the duties of the office would be confined to maintenance work, it is suggested that the title be changed to county road engineer of maintenance.

### *Control over Road Maintenance in Counties.*

The county road engineer of maintenance should have full authority to direct and supervise all work on the county roads. The type of organization employed in this work, standards of maintenance, and in general work methods, control, procedure and equipment should conform to requirements established by the state highway department. While such supervision should be carried on on the basis of non-interference with county road administration, yet in the

event that the counties fail to meet requirements established by the state highway department in the matter of road maintenance that department should have the power to take over temporarily the work of road maintenance, make the necessary repairs to the roads and exact payment from the county for expenditures made for that purpose. Suitable methods of reporting on maintenance work should be established and a general supervisory control exercised over it by the state highway department through its engineer of maintenance. This policy is particularly important in order to secure uniformity in work methods and effect control over the use of road equipment.

*Road Maintenance Forces.*

The character of the organization required for road maintenance will vary considerably according to local conditions and no specific recommendations are made concerning them. There is ample precedent in the experience of other states in this matter and the establishment of suitable working forces should be left to the direction of the county engineer in charge of maintenance.

It is desired, however, to emphasize the importance of discontinuing the present system of appointing road supervisors for a period of one year. The effectiveness of any road maintenance organization depends largely on the experience and skill of the indi-

vidual worker on the roads. Hence, it is desirable to secure continuity of employment in order that competent men may be attracted to the work and their services retained.

In Delaware, road maintenance, whether the roads are improved or unimproved, constitutes essentially an all-the-year-round task. This necessitates the employment of a maintenance force throughout the year. While the size of such a force would obviously vary according to season, reaching its maximum in the spring and summer, necessitating the employment of a considerable force on a temporary basis, it is extremely desirable that there should be employed on a permanent basis a force adequate to meet the minimum requirements of road maintenance.

*Remedial Action Required.*

The recommendations made in the previous discussion involve a considerable extension in the scope of authority of the state highway department and restriction in the present powers of the respective county governments in so far as road administration is concerned. Their enforcement requires both corrective legislation and a reorganization of forces concerned with road work in the counties and the state highway department.

# CHAPTER VII

## THE UNIFICATION OF LOCAL GOVERNMENTS IN WILMINGTON

*Too Much Government in Wilmington.*

The area occupied by the city of Wilmington is covered by an elaborate blanket of local government agencies. Exercising jurisdiction within this small territory are four municipal corporations,[1] fifteen practically independent city boards,[2] and three equally independent county boards,[3] to say nothing of the courts and the many disconnected agencies of the state government performing local duties in Wilmington.

[1] The County of New Castle, The Trustees of the Poor of New Castle County, The Board of Public Education in Wilmington, and The Mayor and Council of Wilmington.

[2] The Board of Police Commissioners, The Board of Park Commissioners, The Board of Water Commissioners, The Board of Directors of the Street and Sewer Department, The Board of Health, The Board of Port Wardens, The Board of Harbor Commissioners, The Board of Public Utility Commissioners, The Board of Assessment, The Commissioners of the Sinking Fund, the Public Building Commission, The Board of Elections for Wilmington, The Board of Examiners for Journeymen Plumbers, The Board of Retirement of the Teachers' Pension Fund, and the Board of Trustees of the Police Pension Fund.

[3] The Trustees of The New Castle County Workhouse, The Board of Assessment of New Castle County, and The New Castle County School Commission.

*How Present Condition Grew Up.*

This plurality of public agencies within such a limited urban district is not the result of design. It was not brought into being as the working out of an orderly plan to procure the execution of the functions of local government with the maximum of economy and with a minimum of friction, duplication and inefficiency. On the contrary, it is the consequence of two centuries of neglect. In some sections of the country the traveler may see ancient orchards where the pruning knife has not been applied for many years and where in consequence the trees have become hideous and sterile masses of matted branches and dead limbs. In precisely the same way a sparing use of the pruning knife has resulted in the present chaotic elaboration of local government in Wilmington.

*Evolution of New Castle County.*

The County of New Castle, the first in order of time of these many local government agencies, is an outgrowth of the very earliest settlements in what is now the state of Delaware. Although the county assumed its present boundaries in 1673, the origins of its government antedate that time, going back to the courts held in the forts established by the Swedes and Dutch along the Delaware River. Later the work of government was transferred to the civil authorities and magistrates, this transition occurring between the years 1655 and 1678. When the Eng-

lish established their dominion over the shores of the Delaware they supplanted the Swedish and Dutch institutions of government with institutions of English pattern, and so the government of the County of New Castle came to consist of the magistrates (acting in varied capacities), the high sheriff, and the coroner. From time to time new offices were established, but curiously enough it was not thought necessary to make them distinct and independent entities. Thus, for many years it was customary for the prothonotary also to be recorder of deeds, register of wills, clerk of the court of chancery, of the orphans' court, and clerk of the peace. If the duties became too burdensome for a single individual, they were delegated to deputies responsible to the prothonotary. In an earlier chapter it was pointed out that this is an object lesson in centralization and control which Delawareans of to-day would do well to remember. As time went on, of course. the centrifugal ideals of succeeding generations became too strong to be resisted and all of these offices were made independent except register in chancery and clerk of the orphans' court which even yet are united under one incumbent.

The levy court was established in 1736, consisting of the magistrates, the assessors, and the grand jurymen of the county in annual convocation, to attend to the financial work of the county. It was not until 1793 that the levy court was placed on its present basis — a body of commissioners elected by the people

of the county and holding no other official position under the county. Likewise, the poor administration of the county was put on its present independent basis by legislation in 1791. And so the growth has continued. New or enlarged work for government has called forth additional disconnected and insulated agencies of government until the structure of the County of New Castle to-day is like a futurist conception of beauty.

*Evolution of City of Wilmington.*

The City (formerly Borough) of Wilmington, which was incorporated in 1739, has developed in very much the same way as the County of New Castle, except that the disintegration of government has been far more complete and calamitous. Moreover, personal and partisan controversies have had more to do with the peculiar developments in Wilmington than has been the case with the county government.

As originally chartered, the Borough of Wilmington was a unified local government concerned primarily with the preservation of order and the administration of justice in an area that had become somewhat more densely populated than other parts of the county, thus performing a service which at that time the county was not capable of doing. Civic problems were practically non-existent. The smallness of the borough and the simple civilization of that age made it possible to leave entirely to private enterprise water

supply, fire protection, street lighting and paving, sewage, sanitation, transportation, education, recreation, and all like problems which nowadays distress municipal governments.

Things continued in this way for a century or so. Indeed, so little complicated had been the problems of city government that in 1832 when a new charter was granted, there was not thought to be any necessity for creating administrative agencies in addition to those existing under the old borough charter as modified in 1809. The chief burgess became the mayor, but his relation to the council and the government was practically unchanged. He continued until 1850 to be elected by the council and his only independent function was to act as a committing magistrate. Likewise, the assessor, the high constable, the clerk, and the clerk of the market were perpetuated in their colonial status. Such other administrative work as there may have been was left to be performed by the council acting through its several committees, just as had been done in colonial times.

As has been stated, these simple arrangements seemingly gave satisfaction for a century or more, and there is reason to suppose that they might have continued adequate for an indefinite time had not American civilization and consequently the problems of American cities undergone a momentous transformation in the first half of the Nineteenth Century. Scholars term this remarkable phenomenon the "In-

dustrial Revolution," because the great inventions and industrial changes of the period doomed people forever after to abandon their primitive and rural system of production and distribution, and congregate in ever mounting numbers in great centers of manufacturing and transportation.

The complications which ensue when huge aggregations of people are obliged to dwell in close contiguity are a commonplace of our own time, but to our fathers and grandfathers they were novel and baffling. Even had they known how to face such problems, the highly individualistic philosophy with which their minds were saturated, would probably have precluded any radical extension of the functions of government and likewise the fabrication of competent administrative machinery. The result was that the council and its committees were obliged to assume the multiplying and perplexing problems of administration, which from their very nature overtaxed the limited administrative capacity of that essentially deliberative body. And the predicament which followed was one which is the common aftermath of vesting large executive responsibilities in a deliberative assembly. Management of the affairs of the city fell into the hands of more or less obscure committees, dominated perhaps by one or two forceful partisans, moving surreptitiously and sometimes corruptly motived. Administration stagnated while politics flourished.

Nearly every large city in the country passed through just such a period of civic ineptitude and depravity, and in many cases, as was true in Wilmington, the condition of affairs was aggravated by the intermeddling of the state legislature. As a consequence there came eventually a great upheaval in city government, which had two practical results: (1) the breakdown of counciliar government, and (2) the restriction of the powers of the state legislature to interfere in municipal affairs. Only the first of these results obtained in Wilmington. Probably because it is the only city in the state and has always been rent with internal dissensions it could never arouse the public conscience to the evils of legislative intervention.

The assault upon the prerogatives of the city council was not a concerted movement to undermine this body and redistribute its powers, but rather a guerilla campaign extending over a considerable period in which the objectives won were nearly always the prizes of factional or partisan victory. The first skirmish was centered about the office of mayor. In 1850 the mayor was made independent of the council and was given enlarged powers. Still the mayor was not made the responsible chief of an administrative hierarchy. He was given some administrative authority, particularly in police matters, but he was set up as primarily a counterweight of the council. The council still controlled the bulk of the adminis-

tration, while the mayor was armed with the veto power and a limited power of appointment.

The next episode was a series of raids upon the prerogatives of the council in which one function of government after another was taken from the council and transferred to boards and commissions largely independent of the council and in some cases even independent of the city entirely. The Board of Education was established in 1852; next came the law of 1877 removing the construction of the Cool Spring Reservoir from the control of the council, which was followed in 1883 by the act creating the present Board of Water Commissioners. In 1883 also culminated a controversy over the question of parks, which had been smouldering since 1868, and the upshot was an appeal to the General Assembly followed by the establishment of the present Board of Park Commissioners. In the same year the Board of Port Wardens was created. In 1887 the Board of Directors of the Street and Sewer Department was established, and this was followed in 1893 by the Board of Police Commissioners, in 1915 by the Board of Assessment, and in 1917 by the Board of Public Utility Commissioners and the Board of Harbor Commissioners.

*The Resulting Conditions Described.*

Not a great amount of space need be used in describing the kind of government which has followed these successive partitionings and dispersings of pub-

lic administration in Wilmington and in New Castle County. The chart on the following page reveals strikingly and yet without exaggeration precisely what has happened. Chaos is the simplest term to apply to it, and so faulty and indefensible is it that there is hardly to be found a person in Wilmington who will champion it. To expect it to function with precision, efficiency, and economy is like expecting a person afflicted with locomotor ataxia to walk steadily and swiftly.

*Excessive Cost of Present System.*

No thoughtful taxpayer objects to being taxed to pay the reasonable cost of valuable services rendered by the government, but he very rightly protests against double payments and against excessive overhead cost of rendering services. Government as at present constituted in the city of Wilmington actually compels the taxpayer to submit to both double payment and excessive cost, under the guise of furnishing him a great variety of services. When a salesman beguiles a person into purchasing articles with which he is already adequately supplied, no real service is rendered but an unwarranted extravagance is perpetrated. So when politicians erect or perpetuate administrative machinery which performs services which could easily be performed without such machinery, they are guilty of extravagance. In this sense there is no doubt that New Castle County is a

great extravagance for the city of Wilmington, because it duplicates services which could readily be discharged by the government of the city. In the same way it may be insisted that most of the independent boards and commissions are extravagances because they perform duties which under properly coördinated organization could be discharged with a few departments and a limited personnel. Let us illustrate.

Property in the city of Wilmington is taxed for the support of both city and county governments, and there are two assessing and two collecting agencies, namely, the board of assessment of New Castle County, the board of assessment of the city of Wilmington, the receiver of taxes of New Castle County, and the tax office of the city of Wilmington. The two boards of assessment value all Wilmington city property and the two tax offices collect taxes on the same property, for city and county purposes respectively. The annual cost of the city board of assessment is about $7,800, that of the county board about $17,500; the annual cost of the city tax office is about $14,800, that of the county tax office about $9,500. Now it must be perfectly obvious that one assessment board and one collecting office could easily do all the work. The reasons for the existing duplication are historical and political, and if it could be eliminated about one-half of the present cost of assessing and collecting taxes could be saved.

CHART

# PRESENT ORGANIZATION OF CI
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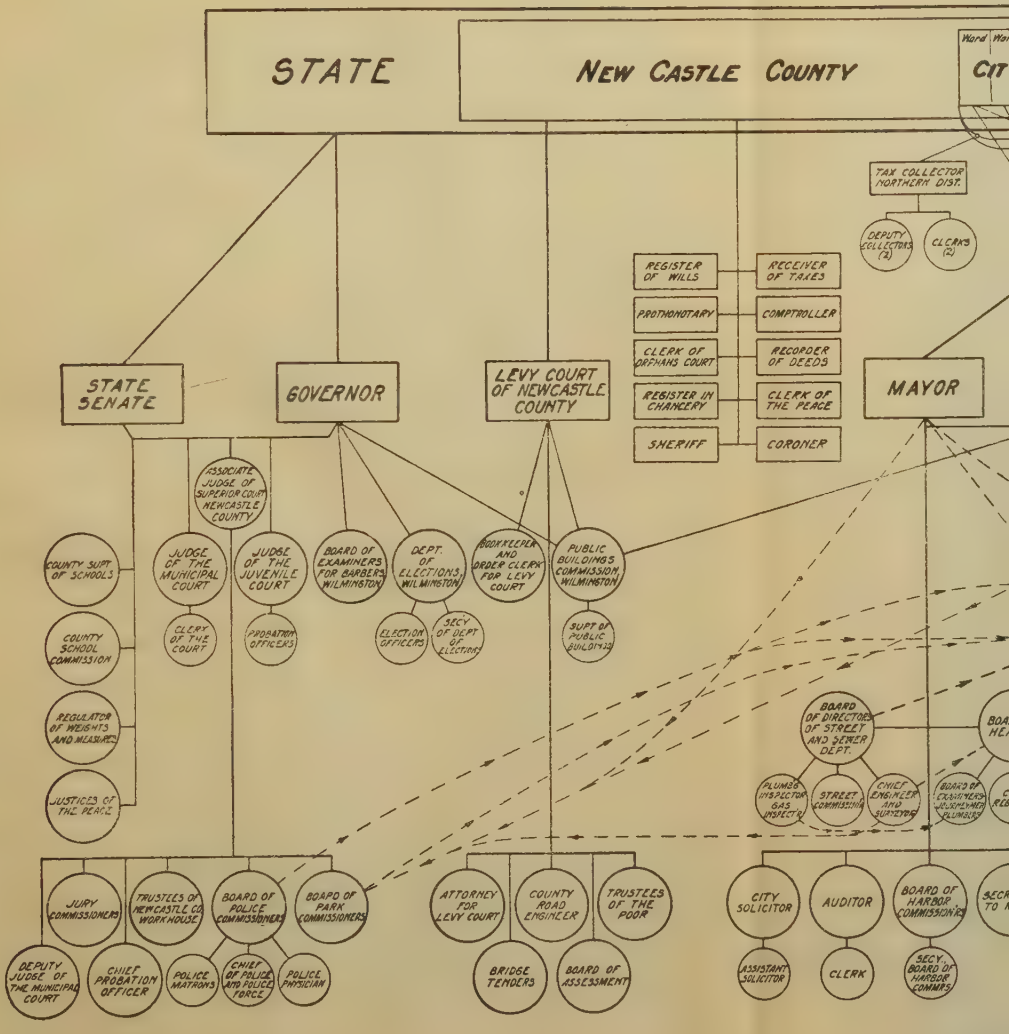


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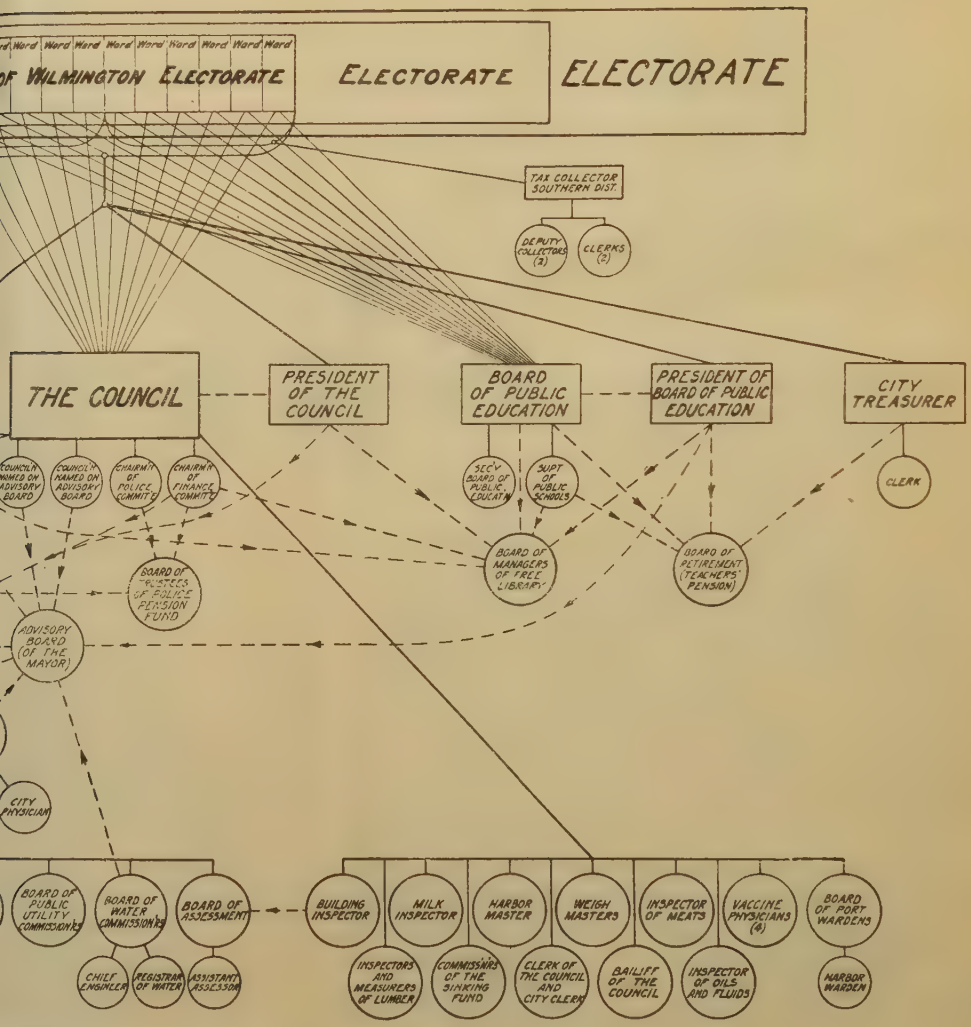



New York Bureau of Municipal Research.

Both city and county possess agencies for the maintenance of law and order and the execution of court processes. They do not entirely duplicate one another, but their work is such that virtually all of it could be performed by a single agency without additional expense. Examination of such records and documents as were available disclosed the fact that a preponderant proportion (as much as 80 per cent in many cases examined) of the work of the offices of sheriff and coroner is Wilmington work, which with slight adjustment can be taken over by the Wilmington police department at a saving of some $8,000 a year to the taxpayers of Wilmington.

Many other duplications of the same sort exist with similar possibilities of reduction of cost by intelligent consolidation and reassignment of duties, because it is always to be remembered that the work of New Castle County is predominantly Wilmington work, which in reality means that the County of New Castle is more a city than a rural government. In every case where a test was made, it was found that the amount of Wilmington work was over 70 per cent of the total, and such tests were made in every office where there were data on which they could be based. The reader will perceive, by a glance at the chart, what the actual extent of duplication is and will realize that great economies are possible by eliminating this duplication.

*Duplication Impairs Efficiency.*

That efficiency cannot prevail where disorder reigns, will not be disputed. Between county and city there is not only lack of coöperation, but often rivalry and jealousy. Conflicts of jurisdiction are not infrequent, and grievances and old scores, one against the other, are numerous. Other chapters of this report have recited in great detail the conditions which have been found and therefore only a few illustrations will be brought in here. The two tax offices do not collaborate at all; the two assessment boards have not coöperated, but the county board has thus far accepted the valuation of the city board as obtained through the city tax office; the police department, the coroner's office, the sheriff's office, and the trustees of the workhouse are mutually discreet and aloof; the municipal court collects and remits fees, fines and penalties to the city treasury, but the cost of transporting and boarding prisoners in the workhouse is borne by the county. There is no proper correlation between the street work of the city and the road and bridge work of the county. In fact, the control of all bridges in the city of Wilmington is under New Castle County, while the streets and approaches to those bridges are under the city.

Within the city administration there are similar illogical and unworkable relationships. The board of education and the park board are not coöperating as they should be in solving the recreation problem.

There is utter absence of proper coöperation between the street and sewer department and the water department in the matter of use of hydrants and tearing and replacing pavements. The street department constructs, opens and repairs and the water department independently opens and replaces pavements. The police department, the eyes of the city, does not effectively collaborate with the other branches of the city government in inspecting and reporting conditions and transmitting complaints.

*The Remedy Stated.*

What is the remedy? It may be summarized in a word. First, rural New Castle County and the city of Wilmington must be divorced; second, a consolidated city and county government should be set up in Wilmington to discharge the functions now performed in Wilmington by both city and county; third, the consolidated government should be simplified and organized on a plan entirely different from that now prevailing in either the city or the county.

The application of this remedy will be quite as drastic as a major operation to cure an organic disease, and it will raise so many perplexing questions that it seems wise to devote the remainder of this chapter to a discussion of its feasibility.

*How Other Cities Have Met the Same Problem.*

There are three notable instances where cities have solved the problem of duplicating local government

agencies by applying drastic remedies similar to those suggested in this chapter, namely, in the cities of San Francisco, St. Louis, and Denver. In each of these cities somewhat differing methods were used to obtain substantially the same results. In San Francisco the city's boundaries coincided with those of the county of the same name. In making readjustments, it was necessary therefore only to consolidate overlapping and duplicating agencies of local government. In St. Louis the city was separated from the county and a new government performing both city and county functions was created, but not until after the city had extended its limits far into the former county. In Denver the city also extended its limits, and following this a new county was formed to include both the city and the annexed territory, and then the new county was consolidated with that of the city.

The original and detached governments of the city and the county of San Francisco were established in 1850. Six years later, as a result of the corruption and extravagance in both, a movement was inaugurated to consolidate the two, and this culminated in the passage by the legislature in 1856 of an act entitled:

> "An act to Repeal the Several Charters of the City of San Francisco and to Establish the Boundaries of the City and County of San Francisco and to Consolidate the Government Thereof."

This act provided for the organic union of the two former governments and partially eliminated the con-

siderable duplication of offices and duties which had formerly prevailed. To be specific: the consolidation act of 1856 abolished and revested elsewhere the functions of the following officers:

| *City Officers* | *County Officers* |
|---|---|
| City recorder | County attorney |
| City marshal | County surveyor |
| City assessors | County treasurer |
| Common council | County board of supervisors |

Subsequent charter enactments for the city and county of San Francisco have not carried the process of unification much beyond what was attained under the act of 1856. Therefore it must be candidly admitted that aside from certain pecuniary economies, the success of the consolidation is not beyond question. As to pecuniary benefits of unification, there has never been any doubt that great savings have resulted. Probably the most extravagant laudation of the economy of the new system is to be found in Hittel's "History of San Francisco" at page 263, where it is said that:

> "The new administration was a marvel of economy. The expenses of the city and county were $2,646,000 in 1855, and in 1857 they were only $353,000. Much of this saving was due to the consolidation act adopted by the legislature in April, 1856, but a large part of it to the new officials."

The unification of local government in St. Louis was made possible by the adoption of the state constitution in 1875, containing an article authorizing the city of

St. Louis to extend its boundaries to embrace certain areas at that time outside of the boundaries, and also other convenient and contiguous territory, and to frame a charter for the government of the city thus enlarged. The city took advantage of this opportunity to free itself from the burdens of county government, and drew up a scheme of separation from the county, and a city charter which was adopted April 22, 1876 and became effective sixty days later. Since that time there have been many charter changes in the city of St. Louis, but they have all adhered to the principle of unified local government. The original separation plans provided for the elimination of duplication in official functions and duties by abolishing certain offices and readjusting the duties of others. These arrangements have been perpetuated throughout all subsequent charter changes. The principal points at which duplication was eliminated were recording of deeds, collection of taxes, police work, surveying, and in the judicial offices. The superiority of this unified local government plan has never been questioned in St. Louis.

In Denver, the plans for unification of local government began in 1891, and complete victory was not achieved until 1916. The first success in the campaign in the plan for unification was achieved in 1902 by the ratification of a constitutional amendment declaring the city of Denver and a portion of the county of Arapahoe to be consolidated into a single body politic

and corporate by the name of the City and County of Denver. The opposition contested the validity of this amendment and a long period of litigation followed. In 1904 and 1905, the attempt to eliminate the unnecessary county offices and transfer their functions to city officers was defeated in the Supreme Court of the State in a very poorly reasoned case. In 1911, the court reversed this case, and the pruning was allowed to proceed within limits prescribed by the court. In 1912, the Colorado Home Rule Amendment was amended in a way to check the freedom of the courts in construing it, and this was followed in 1913 by the adoption of a new charter in Denver. This charter put the commission form of government into operation in the city and county of Denver, but this new form of government did not prove satisfactory to the voters, and on May 9, 1916, the so-called Speer Amendment was offered and accepted by the city and county, creating a mayor and council plan. The adoption of the Speer Amendment also marked the conclusion of the effort to consolidate completely the city and county. In spite of the checkered history of the unification movement in Denver, it is conceded that unified government has been a success, not only from the standpoint of economy, but also from the standpoint of increased efficiency. The efficiency is difficult to measure, but the economy may be readily perceived by comparing the cost of government under the new plan with that under the consolidated plan. In 1911, prior

to the complete merging of the two governments, the total cost of maintaining the offices, institutions, and services enumerated in the footnote[1] below was $675,400. In 1917, as a result of the complete consolidation of duplicating offices, this sum had been reduced to $476,600. The mayor of Denver, Robert W. Speer, is of the opinion that increased efficiency has accompanied this reduction of expense. He says: "Under the consolidation of city and county, the county offices have been largely abolished and their duties performed by city officials. A concentration of power fixes responsibility and makes it easier to get results."[2]

In several other cities campaigns are now being waged to achieve similar unification of local government. In Chicago, leading citizens in 1917 launched a movement to unify the twenty-two independent local governments functioning in the area occupied by the city of Chicago. In a comprehensive report issued by the Chicago Bureau of Public Efficiency, the importance of unification is strikingly and conclusively demonstrated. It is stated that not only from a standpoint of economy, but also from a standpoint of practical achievement, the city of Chicago can never expect to

[1] Sheriff, treasurer, assessor, county clerk, coroner, county superintendent of schools, justices of peace, district attorney, the jail, the court house, the hospital, the county farm, the detention home, horticultural work, support of poor, supplies, general expenses.

[2] Quoted by W. B. Guthrie in paper read before Conference of National Municipal League, November, 1917.

have efficient government so long as there was such a vast amount of duplication, friction, and wasted effort. In Los Angeles, California, a similar movement is under way, fathered by the Taxpayers' Association of California. A very exhaustive and comprehensive study has been published showing the possibility of consolidation in the county of Los Angeles, uniting the several municipal corporations that exist in the present county of Los Angeles under a borough form of government. It is not proposed to follow the lines of the borough plan in Greater New York, but it is urged that some sort of borough scheme adapted to local conditions be applied; and it is also proposed to merge the county government with that of the consolidated municipalities, which has not been done in New York. In the city of Milwaukee, the evils of city and county duplication have become so apparent of recent years that amalgamation has been proposed and urged as the remedy. In the city of Philadelphia, the local Bureau of Municipal Research has come out strongly in favor of consolidation of city and county offices and the Charter Revision Committee of 1917 adopted a resolution favoring it.

*Can Rural New Castle County Be Separated from Wilmington?*

Probably the first practical difficulty in the application of the remedy suggested is that of the separation of the city from the rural sections of the county. Many

will consider this impracticable on account of (1) the belief that rural New Castle County cannot afford to set up and maintain a county administration apart from Wilmington, (2) their opinion that certain of the county functions cannot be taken over by a consolidated city and county government, or (3) their opinion that certain services ought to be centered in Wilmington for both the city and the tributary rural area.

Exact forecasts of the cost of a county government for rural New Castle County are very hard to make, but it should not be greatly in excess of, if quite equal to the present annual budgets of Kent and Sussex Counties. The population of rural New Castle County is less than that of Sussex County and slightly more than that of Kent County, while the assessed valuation of property is approximately equal to that of the two lower counties. Therefore the cost of government in those counties ought to be something of a guide as to the probable cost of a county administration for rural New Castle County. The latest comptroller's reports of Kent and Sussex Counties show the annual expenditures for the support of county government during the preceding year to have been $142,128.94 and $178,100.78, respectively. The latest report of the comptroller of New Castle County shows the contribution of rural New Castle County toward annual expenses of the county amounted to $231,886.53. It should not, therefore, prove difficult

to establish an independent and self-sustaining government for rural New Castle County without increasing the burdens of the taxpayers a particle. In fact, by proper economies it should be possible to reduce the cost to about the same figures as prevail in the lower counties.

As to the infeasibility of performing some of the present functions of the county government through the agency of a consolidated government in Wilmington, much difference of opinion will be encountered. In respect to financial work there can be no doubt. One set of agencies can assess and collect all of the taxes raised in the city of Wilmington as easily as two, three or a dozen could — more easily and efficiently in fact. Likewise, only one set of custodial, accounting and auditing agencies is needed. In connection with public works, it will be unnecessary for the consolidated government to assume very much that is now handled by the county government. There is but a small amount of work in the city of Wilmington which is at present controlled by the county, and all of this can very readily be taken over by the consolidated government. As to police work, there may be some question, but a little study will show how all of the essential police work in the city of Wilmington now done by the county government can be transferred to the proposed government. Denver is a conspicuous example of a consolidated city and county government where it was found possible to organize

into a department of public safety all of the police functions previously exercised independently by city and county, and there ought to be no insuperable obstacle to a similar solution in Wilmington. In regard to the penal and charitable institutions now maintained by New Castle County a more difficult problem is raised. There is no doubt that they could be administered by the proposed government, but they are not situated in the city and therefore would be beyond the jurisdiction of the proposed city and county of Wilmington. On the other hand, there is no denying the fact that their services are preponderantly Wilmington services, and that the new city and county government would need them far more than rural New Castle. No solution of this difficulty is offered, because one which did not originate locally would probably be unacceptable and unsatisfactory if attempted. A suggestion is that the new city and county government take over these institutions and assume responsibility for their management, but that it should permit them to be used by the rural county at a fixed rate per inmate, just as Kent and Sussex Counties now use the New Castle County workhouse.

A third possible objection to the feasibility of separation is the feeling that many will have that it will be a great inconvenience and expense to divide the work of some of the New Castle County offices now performing services for both city and county. In regard to most of the offices, this objection may be dismissed

as without foundation, because it can be shown that with most of them great economies can be effected by having the work transferred to a city agency already in existence and that great convenience will result to the citizen by reason of the reduction of the number of public agencies with which he has to deal. But this is not true of the recorder of deeds, the register of wills, and the several county offices doing clerical court work. To follow logically the separation principle would require the creation of such offices for the new city and county government as well as the perpetuation of the existing offices for the rural county. Doubtless this would entail enormous labor, confusion, and inconvenience for those using these offices. In order to be consistent it may be deemed necessary to divide these offices. But there is no need to be consistent; the solution of our problem does not require it. These offices are neither county nor municipal in function. They are state offices performing services in connection with state courts and the administration of state law, but they are required to be supported locally on the theory that through them the state judges render local services. However, that is no reason why they should be split up because the judicial district which they serve is divided for local government purposes. They have nothing to do with local government. Therefore, if it can be shown to be more economical that they should not be divided, then they can be continued as at present, or better yet, in accordance

with recommendations elsewhere set forth, be united in one office performing secretarial services for the judicial district embracing both the proposed consolidated government and the rural county government. In that case the incumbent should be appointed by the judge, and cost accounts should be kept so that the cost of the office can be justly distributed between the two local governments which it serves. A similar solution can be reached in the case of the register of wills and recorder of deeds, in the event that it shall appear inadvisable to separate them. They also really perform state and not local functions.

St. Louis probably furnishes more precedents apropos of the Wilmington situation than either San Francisco or Denver, because the process of unification there was more nearly analogous to what will have to be done in Wilmington. Therefore, a brief summary of some of the more conspicuous adjustments in St. Louis will be given here for illustrative purposes. In regard to the office of recorder of deeds, it was provided that he should serve both the consolidated government and the former county until the expiration of his term. Thereupon the office became a city office purely and in the old county the duties of recorder were thereafter to be performed by the county clerk. The auditing, tax collecting, and other financial functions were separated, so that only one group of financial offices had jurisdiction over the new city and county of St. Louis. The old county was permitted to place its

insane and poor in the institutions turned over to the new city and county until it should establish its own institutions. The courts were to serve both the old county and the new city and county. The salaries of the judges were distributed on a proportional basis according to the taxable values of property. Costs in criminal cases were to be paid by the corporation within whose boundaries the crime was committed. Jurors were summoned by the officers of the new city and county and paid according to their place of residence. The new city and county received all of the buildings, institutions, etc., and assumed all of the indebtedness and obligations. These illustrations make it clear that the obstacles to unification in Wilmington are not at all insuperable.

*What Shall Be Done with the New City and County Building?*

At first blush the disposition of the new city and county building would appear to be an insuperable obstacle to the separation and consolidation program here proposed. But really it is believed that a solution of this problem could be worked out equitably and happily. It is always dangerous to tell other people how to manage their property and affairs, but in this instance it is probable that outside suggestions based upon the experience of other cities may prove valuable. New Castle County has issued bonds in the amount of $600,000 for the construction of this building, and the

city of Wilmington is bonded for $800,000 for the same purpose. At the present time property of the city of Wilmington pays about 70 per cent of the taxes raised by New Castle County, so it is fair to assume that the taxpayers of Wilmington will really pay about 70 per cent of New Castle County's share of the building bonds, or $420,000. In other words, in a realistic sense, Wilmington is bonded to an amount of $1,220,000 on account of the new building, while rural New Castle County is bonded to the amount of $178,000. It would not therefore be an excessive burden upon the taxpayers of Wilmington if the proposed city and county government should assume all of the building bonds. Moreover, there is good reason to believe that the economies possible under the proposed government would in course of two or three years more than equal the $178,000 burden of indebtedness which would thus be added to the load of Wilmington property. Nothing is more hazardous than guessing what economies may be effected under any proposed change of government, but it can be said with entire safety that huge savings would be possible under the proposed city and county government of Wilmington. Calculations of a very conservative character lead to the belief that the burdens now borne by Wilmington property could probably be reduced between $40,000 and $50,000 a year in salary cost alone. What savings would be possible in other overhead costs it is impossible even to estimate

roughly, but it seems fair to guess that they would not be proportionately less than the possible salary savings. It is not improbable, therefore, that the taxpayers of Wilmington would save in the end rather than lose by assuming all of the bonded indebtedness of the present city and county governments on account of the new building.

As for the rural county of New Castle to be created by the separation proposed, it would be possible for $178,000 to erect a county building adequate to its needs, and consequently its burdens need not be increased by detachment from the city.

*Probable Gains Resulting from Separation and Consolidation.*

The benefits which would result from the adoption of the program here suggested are so obvious that little space will be used in describing them. They may be enumerated as follows:

1. Great pecuniary economies both to the new municipal government and the new urban government.

2. Possibility of far more efficient administration by elimination of overlapping, conflicting, and uncoordinated agencies.

3. Ending of all of inequities and maladjustments now prevailing in relations of the city of Wilmington and rural New Castle County. For instance, there is constant complaint that the rural assessments are so low as compared to city valuations that an unjust bur-

den of taxation is thrown on the city. This would not be possible after dissolution of the present county of New Castle. Conversely the grievances which the county cherishes against the city would disappear in the same way.

4. Rendering all governmental agencies operating in Wilmington responsible to voters of Wilmington. This is not the case now because rural New Castle County is grossly over-represented in the levy court.

5. Fewer but more influential elections on account of the much abbreviated ballot.

*Simplification an Essential Part of Proposed Program*

The divorce of the city of Wilmington from the rural sections of New Castle County and the subsequent consolidation of city and county agencies into a unified city and county government is not recommended unless the plan of government to be adopted shall differ vastly from that at present prevailing both in the city of Wilmington and in New Castle County. To entrust these recommendations to the execution of such agencies would be suicidal. There should be no separation and consolidation unless it be accompanied by simplification and reorganization of government to conform to the principles of administration set forth elsewhere in this report. How such simplification and reorganization may be accomplished will be the subject of the remainder of this chapter.

*Proposed Plan for the Government of the City and County of Wilmington.*

The commission-manager plan of city and county administration has been consistently preferred throughout this report because it seems to be the best exemplar of the three cardinal principles of simplification, centralization and responsibility which have been advocated to correct the conditions which now exist. The same preference for the same reason prevails when it becomes necessary to determine the most suitable organization for the consolidated city and county of Wilmington.

The charts following this page so clearly set forth the proposed organization that exhaustive description may be dispensed with. The only difference between the two charts is that one assumes a complete separation of the present city of Wilmington and county of New Castle, while the other assumes that recording, clerical court work, and probate work will be handled for the entire area now embraced in New Castle County as a state judicial district in accordance with the suggestion above made.

The sweeping character of the proposed reorganization will appear in the following tabular summary of the departments recommended with the existing city and county agencies whose functions within the present city of Wilmington they will absorb.

### Department of Finance

| City | County |
|---|---|
| Tax office | Receiver of taxes and treasurer |
| Board of assessment | Board of assessment |
| Auditor | Comptroller |
| Treasurer | Bookkeeper and order clerk of levy court |
| Commissioners of sinking fund | |

### Department of Public Works

| | |
|---|---|
| Board of harbor commissioners | County road engineer |
| Board of port wardens | Bridge tenders |
| Public building commission | Public buildings commission |
| Board of directors of street and sewer department with all subordinates | |
| Building inspector | |
| Board of park commissioners | |
| Board of examiners for plumbers | |
| Clerk of the market | |

### Department of Water Supply

Board of water commissioners

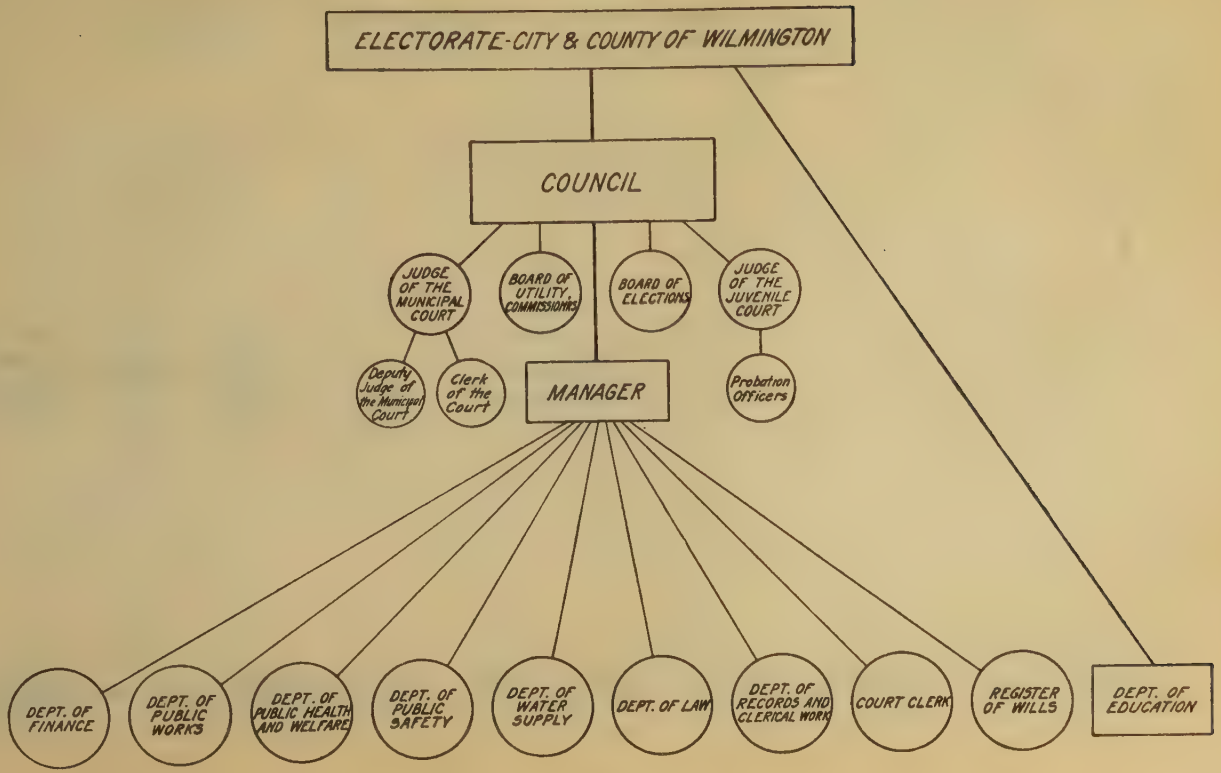
### Department of Public Safety

| | |
|---|---|
| Board of police commissioners | Sheriff |
| Trustees of police pension fund | Coroner |
| Superintendent of fire alarm system | Constables |
| Chief engineer of fire department and assistant engineers | Regulator of weights and measures |
| Inspector of oils and fluids | |

CHART SHOWING

# SUGGESTED ORGANIZATION—MANAGER PLAN

CITY AND COUNTY OF WILMINGTON



DEPARTMENT OF PUBLIC HEALTH AND WELFARE

Board of health
Inspector of meats
Milk inspector
Vaccine physicians
City physician
Registrar of deaths
Board of barber examiners
Trustees of the poor
Overseers of the workhouse [1]

DEPARTMENT OF LAW

Solicitor
Assistant solicitor
Attorney for levy court

DEPARTMENT OF EDUCATION

Board of education
Board of retirement
Superintendent of schools
School commission

DEPARTMENT OF RECORDS AND CLERICAL WORK

City register
Recorder of deeds

DEPARTMENT OF COURT CLERK

Clerk of municipal court
Prothonotary
Register in chancery
Clerk of the orphans' court
Clerk of the peace

DEPARTMENT OF PROBATE JUDGE

Register of wills

Regarding the internal organization of the proposed departments no specific recommendations are made because it is deemed best that these arrangements be worked out locally. By way of suggestion, however, it will not be amiss to point out that in many cases these departments can be organized into bu-

[1] It has been recommended in the state report that this be made a state institution.

reaus or divisions without disturbing seriously the structure of the present organization except by breaking down its independence and coördinating it with the other work of the department in which it is included. For instance, in organizing a department of finance it would be unnecessary to abolish the present city board of assessment which has proved exceptionally adequate. All that would be necessary would be to make it a bureau of assessment in the department of finance invested with all of its present powers, which would be enhanced by the access of the powers now exercised in Wilmington by the county board of assessment. It could continue as a bi-partisan board as at present. The only real change would be in its relation to the remainder of the city administration. Instead of being a distinct and irresponsible entity not coöperating effectively with the other financial offices, it would become a part of an administrative whole having to do with financial problems and its work could be properly correlated to that of the rest of the department.

So we might review the list of suggested departments pointing out how reorganization is largely a problem of intelligent grouping and adaptation of existing independent administrative agencies. The illustration just given makes it clear, however, that the proposed consolidation and administrative reorganization is not so revolutionary as it may at first blush appear.

# CHAPTER VIII

## CONCLUSIONS

The main emphasis of this survey has been on the structure and organization of county government; and not even the chapters which have dealt with specific problems such as taxation, budgeting, accounting, purchasing, office efficiency, social welfare institutions, and highway management have been able to exclude this ever-haunting problem. The reason is not far to seek; in almost every administrative problem which came within the purview of this investigation there could be no doubt that inferior and deficient organization was quite as potent a factor as obsolete and unsuitable technique and method.

In the matter of taxation it will be recalled that where the best organization for assessment and collection was found, the most meticulous enforcement of the spirit and the letter of the law was observed. Attempts to install a budget system in two counties have proved abortive chiefly because the organization of county government was such that while the levy court could go through the motions of making a budget, it had no effective control of estimates, appropriations, and disbursements. Likewise it was seen that loose

business methods and archaic office practices survive because the organization of the counties is so disintegrated that a single office can isolate itself and remain unconscious of the advent of better ways. Similarly defective organization is openly charged with responsibility for the deplorable conditions found in certain almshouses and jails. So the enumeration might be continued; literally scores of problems of county administration in Delaware to-day trace their origin more or less directly back to that single cause — organization.

Bearing these facts in mind, it is difficult to escape the conclusion that the reform most needed in Delaware county government to-day is a complete remoulding of the present organization to conform to the principles which experience has shown to be productive of efficiency, responsibility, and economy. And it is believed that the plans which have been outlined in the foregoing chapters are founded upon such principles.

This study cannot be concluded without a suggestion which probably is too extreme to receive even the slightest consideration, but which nevertheless seems to be sound. We have not undertaken hitherto to classify the functions performed by the counties in Delaware as state functions and local functions; but it does not require very exhaustive analysis to demonstrate that the counties are primarily agencies of the state government, and only incidentally instrumental-

ities of local government. Their chief use seems to be to furnish media by which state law can be locally applied, and consequently there is in each county a group of officers whose main duties are the execution of general law. In this group should be included the clerk of the peace, the register in chancery and clerk of the orphans' court, the prothonotary, the register of wills, the recorder of deeds, the coroner, the sheriff, the county superintendent of schools, the deputy attorney general, the justices of the peace, and the regulator of weights and measures. With the acceleration of the present movement for state supervision or control in such matters as highway management, poor relief, prison operation, police, and the like, the foregoing list will have to be extended. The functionaries discharging duties which are primarily local are the levy court, the receiver of taxes and treasurer, the comptroller, the road engineer, the boards of assessment and district assessors, the trustees of the poor, the constables, and a few others of minor significance; and yet the duties of several of these are largely such as have to do with the provision and disbursement funds which (with a few exceptions) defray the expenses of both groups.

Now the point that it is desired to make is this: Is it necessary to have three elaborate sets of county machinery to dispose of the volume of state work now discharged by the county governments in Delaware? About one-half of the people of Delaware live in Wil-

mington, where the problems of local government are numerous, complex, and different from those prevailing elsewhere in the state. For this reason it has been urged that Wilmington be made a separate political entity with a reasonable degree of autonomy in purely local affairs. The remainder of the state is rural with the exception of a few small villages, outside of which local government problems are practically non-existent; but for the purposes of state administration this territory is apportioned among three counties, in each of which the magnitude of the state work is hardly commensurate with the elaboration of the machinery of administration. Could not a better method of executing state law be conceived? Would it not be feasible to reduce the number of counties to two — one coincident with the city of Wilmington and the other embracing the remainder of the state?

The result of such a plan would be one urban and one rural county, and neither would be too populous or too large for effective administration. The rural county would be smaller than many counties in western states; it would be possible for citizens to reach the county seat in less than a day's journey — in fact one can travel the entire length of Delaware and return in a single day — and it would considerably reduce the cost and probably would increase the efficiency of the administration, particularly if the administration should be revised according to a centralized plan. Every citizen of Delaware knows that idleness is one

of the principal preoccupations of county officials and employees at certain seasons and that the volume of their work is seldom a very great strain; and this is indicative not of sloth and indifference — although there is some — but of an oversupply of administrative agencies. There is hardly any doubt that one properly organized and managed county administration could serve all of rural Delaware and do it better than it is now done. In some cases it might be necessary to establish branch offices in several of the towns; but not in many, for this is an age of rapid transit and communication. Indeed it is far from fanciful to say that most of the states (except possibly those of the far west, where distances are great and means of communication inadequate) could reduce by half the number of their counties with decided benefit to the quality of service rendered.

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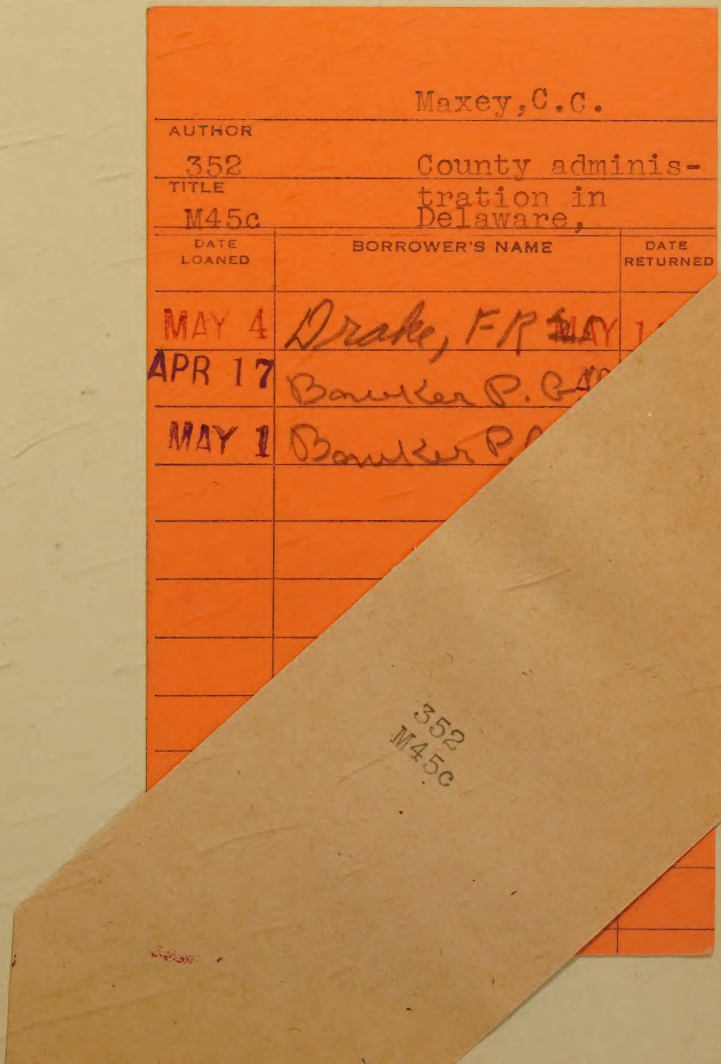
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